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Illinois Register

Rules of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1992

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 17, 1991	Dec. 24, 1991	1	Jan. 3, 1992	June 23, 1992	June 30, 1992	28	July 10, 1992
Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992	June 30, 1992	July 7, 1992	29	July 17, 1992
Dec. 31, 1991	Jan. 7, 1992	3	Jan. 17, 1992	July 7, 1992	July 14, 1992	30	July 24, 1992
Jan. 7, 1992	Jan. 14, 1992	4	Jan. 24, 1992	July 14, 1992	July 21, 1992	31	July 31, 1992
Jan. 14, 1992	Jan. 21, 1992	5	Jan. 31, 1992	July 21, 1992	July 28, 1992	32	Aug. 7, 1992
Jan. 21, 1992	Jan. 28, 1992	6	Feb. 7, 1992	July 28, 1992	Aug. 4, 1992	33	Aug. 14, 1992
Jan. 28, 1992	Feb. 4, 1992	7	Feb. 14, 1992	Aug. 4, 1992	Aug. 11, 1992	34	Aug. 21, 1992
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Feb. 18, 1992	Feb. 25, 1992	10	Mar. 6, 1992	Aug. 25, 1992	Sept. 1, 1992	37	Sept. 11, 1992
Feb. 25, 1992	Mar. 3, 1992	11	Mar. 13, 1992	Sept. 1, 1992	Sept. 8, 1992	38	Sept. 18, 1992
Mar. 3, 1992	Mar. 10, 1992	12	Mar. 20, 1992	Sept. 8, 1992	Sept. 15, 1992	39	Sept. 25, 1992
Mar. 10, 1992	Mar. 17, 1992	13	Mar. 27, 1992	Sept. 15, 1992	Sept. 22, 1992	40	Oct. 2, 1992
Mar. 17, 1992	Mar. 24, 1992	14	Apr. 3, 1992	Sept. 22, 1992	Sept. 29, 1992	41	Oct. 9, 1992
Mar. 24, 1992	Mar. 31, 1992	15	Apr. 10, 1992	Sept. 29, 1992	Oct. 6, 1992	42	Oct. 16, 1992
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Apr. 14, 1992	Apr. 21, 1992	18	May 1, 1992	Oct. 20, 1992	Oct. 27, 1992	45	Nov. 6, 1992
Apr. 21, 1992	Apr. 28, 1992	19	May 8, 1992	Oct. 27, 1992	Nov. 2, 1992 (Mon)	46	Nov. 13, 1992
Apr. 28, 1992	May 5, 1992	20	May 15, 1992	Nov. 2, 1992 (Mon)	Nov. 10, 1992	47	Nov. 20, 1992
May 5, 1992	May 12, 1992	21	May 22, 1992	Nov. 10, 1992	Nov. 17, 1992	48	Nov. 30, 1992 (Mon.)
May 12, 1992	May 19, 1992	22	May 29, 1992	Nov. 17, 1992	Nov. 24, 1992	49	Dec. 4, 1992
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June 9, 1992	June 16, 1992	26	June 26, 1992	Dec. 15, 1992	Dec. 22, 1992	1	Jan. 4, 1993 (Mon)
June 16, 1992	June 23, 1992	27	July 6, 1992 (Mon)	Dec. 22, 1992	Dec. 29, 1992	2	Jan. 8, 1993

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Standardization of Agriculture Products
- 2) Code Citation: 8 Ill. Adm. Code 5
- 3) Section Number: Proposed Action:
5.90 Repeal
- 4) Statutory Authority: "AN ACT in relation to the inspection and standardization of horticultural, agricultural, apiarian, dairy and other farm products" (Ill. Rev. Stat. 1989, ch. 5, pars. 99 and 100).
- 5) A Complete Description of the Subjects and Issues Involved:
The Department is proposing to repeal Section 5.90, which requires employees or agents of the Department of Agriculture who are engaged in feeder pig grading to be covered by a \$1,000 surety bond.

The Department sees no reason to continue the bonding requirement for several reasons. First, it is increasing more expensive to purchase such a bond in such a small amount. Second, the Interstate Producers Livestock Association pays the costs of any error made by a grader which would result in particular animals being graded at less than what they should be graded. The Interstate Producers Livestock Association has only had to reconsider the grades once in the last several years. Finally, the graders are contractual employees with the Department of Agriculture and if they commit an error within the scope of their employment, the injured party can always file suit against the Department for whatever damages they felt they suffered as a result of a grader error.

- 6) Will this proposed rule replace an emergency rule in effect?: No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking:
A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rulemaking appears in the Illinois Register. Comments should be sent to Judith Lozier, General Counsel, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281.

The proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
February 24, 1992

B) Types of small businesses affected:
Feeder pig graders.

C) Reporting, bookkeeping or other procedures required for compliance:

The proposed rulemaking deletes the requirement that feeder pig graders be covered by a \$1,000 surety bond.

D) Types of professional skills necessary for compliance:
Basic management.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER a: GENERAL RULES

PART 5

STANDARDIZATION OF AGRICULTURE PRODUCTS

SUBPART A: GRADING OF MEAT AND POULTRY

Section

- 5.10 Personnel
- 5.20 Grading Fees
- 5.30 Grading Standards for Meat and Poultry
- 5.40 Incorporation by Reference

SUBPART B: FEEDER PIG GRADING PROGRAM

Section

- 5.70 Program
- 5.80 Grader Qualifications
- 5.90 Bonding of Graders (Repealed)
- 5.100 Feeder Pig Grading Standards
- 5.110 Identification of Feeder Pigs
- 5.120 Certificates
- 5.130 Grading Fees

SUBPART C: INSPECTION AND GRADING OF FRESH FRUITS
AND VEGETABLES

Section

- 5.170 Personnel
- 5.180 Grading Fees
- 5.190 Quality and Grading Standards for Fresh Fruit and Vegetables

SUBPART D: QUALITY ANALYSIS PROGRAM

Section

- 5.220 Hay, Haylage and Corn Silage Quality Analysis (Repealed)
- 5.230 Fee Schedule for Quality Analysis Services (Repealed)

AUTHORITY: Implementing and authorized by "AN ACT in relation to the inspection and standardization of horticultural, agricultural, apiarian, dairy and other farm products" (Ill. Rev. Stat. 1989 1987, ch. 5, par. 92 et seq.).

SOURCE: Rules and Regulations Relating To The Standardization of Agricultural Products, adopted July 20, 1973, effective July 30, 1973; amended September 18, 1973, effective September 28, 1973; amended July 4, 1975, effective July 15, 1975; amended October 17,

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

effective October 27, 1975; amended October 20, 1977, effective November 1, 1977; codified at 5 Ill. Reg. 10435; amended at 6 Ill. Reg. 2581, effective Feb. 18, 1982; amended at 9 Ill. Reg. 5321, effective May 1, 1985; amended at 10 Ill. Reg. 3003, effective January 16, 1986; amended at 14 Ill. Reg. 10308, effective June 19, 1990; amended at 16 Ill. Reg. _____, effective _____.

SUBPART B: FEEDER PIG GRADING PROGRAM

~~Section 5.90 Bonding of Graders~~

~~Each employee or agent of the Department of Agriculture shall execute and file with the Director of the Department a good and sufficient surety bond payable to the State of Illinois in the sum of \$1,000, conditioned upon the faithful performance of such employee or agent in his duties as a feeder pig grader.~~

(Source: Repealed at 16 Ill. Reg. _____, effective _____.)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Solicitation for Charitable Payroll Deductions
- 2) Code Citation: 80 Ill. Adm. Code 2650
- 3) Section number:
 Proposed Action:
 Amendment
 Amendment
 2650.10
 2650.25
- 4) Statutory Authority: Implementing and authorized by Section 9 of the Illinois Personnel Code (Ill. Rev. Stat. 1989, ch. 127, par. 63b109).
- 5) A Complete Description of the Subjects and Issues Involved:
 These amendments transfer responsibility for administering the Support Committee and working with the charities to administer the annual State Employee Combined Appeal (SECA) campaign from the Governor's Office of Voluntary Action to the Department of Central Management Services.
- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
 720 Stratton Office Building
 Springfield, IL 62706
 (217)782-9669

- 12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE G: PAYROLL DEDUCTIONS
 CHAPTER III: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2650

SOLICITATION FOR CHARITABLE PAYROLL DEDUCTIONS

Section	Definitions
2650.1	Entitlement
2650.5	Organization
2650.10	Annual Drive
2650.15	Recognition
2650.20	Request to Solicit Employees
2650.25	Prohibitions
2650.30	

AUTHORITY: Implementing and authorized by Section 9 of the Illinois Personnel Code (Ill. Rev. Stat. 1989, ch. 127, par. 63b109).

SOURCE: Emergency rules adopted at 12 Ill. Reg. 6975, effective April 1, 1988, for a maximum of 150 days; emergency repealer adopted at 12 Ill. Reg. 10191, effective June 10, 1988, for a maximum of 150 days; adopted at 13 Ill. Reg. 3330, effective March 6, 1989; amended at _____ Ill. Reg. _____, effective _____.

Section 2650.10 Organization

- a) A support committee to assist and regulate the State Employees' Combined Appeal (SECA) is herewith established under the chairmanship of the Director (or his/her designee) of the Governor's Office of Voluntary Action. Membership of this committee will consist of a representative from each qualified charitable organization; one State employee "at large" representing employee interests; the prior year's SECA chairperson; the Director of the Lieutenant Governor's Office of Volunteer Services or his/her designee; a state employee labor organization; and one public member, and the appointed SECA Chairperson for the current year. The State employee and the public member will be appointed by the Governor. The committee shall meet at least once each year. The function of the committee is to advise the Director of the Governor's Office of Voluntary Action and the on employee solicitation, including:

- 1) Discussion and planning of the administration and conduct of the annual campaign.
- 2) Review of combined campaign materials, educational programs, publicity efforts, campaign goals and recognition-award programs.
- 3) Selection process for SECA chairpersons and coordinators.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

4) Verification of continuing eligibility through the Comptroller's Office.

5) Any other issues determined to be consistent with the functions of the committee.

b) A chairperson for each annual SECA shall be appointed by the Governor. Said chairperson shall serve on the support committee to assist the Director of the Governor's Office of Voluntary Action on functions specified in subsections (a)(2) and (a)(3) above. Each chief officer shall appoint an executive coordinator for each annual campaign. SECA coordinators or other agency employees shall be permitted work time to perform their responsibilities, including campaign briefings and training, distribution of literature, collection of pledge cards, telephone and contact with representatives of the qualified charitable organizations. SECA coordinators will be permitted to request liaisons to assist where an agency has multiple work sites. SECA liaisons will be given time to meet with their coordinator for training. Any volunteers recruited by charities from State offices shall contribute time solely during non-work hours.

c) During the campaign period, employees may attend on their own volition presentations of each or any qualified charitable organization, such time totaling not more than 1 hour in the aggregate annually. Agencies, in cooperation with the qualified charitable organization, shall endeavor to schedule presentations to permit all interested employees to attend such presentations.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 2650.25 Request to Solicit Employees

Any request by a qualified charitable organization to solicit contributions from employees received in any agency shall be forwarded to the Director of the Office of Voluntary Action for action as provided in this Part.

(Source: Amended at Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Conversion of Contract to Common Authority

2) Code Citation: 92 Ill. Adm. Code 1309

3) Section Numbers:
1309.10 New Section
1309.20 New Section
1309.30 New Section

4) Statutory Authority: Implementing Section 18C-4302(2)(b) and authorized by Section 18C-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 18C-1101 et seq.)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes to establish rules for the Commission to follow in proceedings to convert a motor contract carrier permit to a motor common carrier certificate.

6) Will this proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives? This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Kathy Campbell Lynch
Illinois Commerce Commission
527 East Capitol Avenue

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Springfield, IL 62794

Comments should be filed within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to Business Assistance Office of the Department of Commerce and Community Affairs: February 24, 1992
- B) Types of small businesses affected: This amendment may affect those carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance:
- D) Types of professional skills necessary for compliance:

The full text of Proposed Rule begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTY

PART 1309

CONVERSION OF CONTRACT TO COMMON AUTHORITY

- Section 1309.10 Proceedings to Convert Contract to Common Authority
- Section 1309.20 Standards for Conversion of Contract to Common Authority
- Section 1309.30 Scope of Converted Authority

AUTHORITY: Implementing Section 18c-4302(2)(b) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 18c-1101 et seq.).

SOURCE: Adopted at Ill. Reg. , effective .

Section 1309.10 Proceedings to Convert Contract to Common Authority

- a) This Part applies to proceedings to convert a motor contract carrier permit to a motor common carrier certificate, but only when the permit is not restricted to the accounts of named contractin shippers. Proceedings may be initiated:

- 1) by an application filed by a motor contract permit holder;
- 2) by a complaint filed by a motor tommon carrier that would be directly and adversely affected by failure to convert the contract carrier authority to common carrier authority; or
- 3) by the Commission on its own motion.

- b) Public notice of any proceeding to convert must be given and shall be subject to the provisions of 92 Ill. Adm. Code 1202.20.

- c) There is no application filing fee for any proceeding initiated under this Part.

Section 1309.20 Standards for Conversion of Contract to Common Authority

- a) The Commission will convert a contract carrier's permit

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

to a common carrier certificate only to the extent that evidence presented at a hearing demonstrates that the carrier has not been operating as a contract carrier of property by motor vehicle" as defined by Section 18c-1104(8) of the Illinois Commercial Transportation Law ("the Law") (Ill. Rev. Stat. 1989, ch 95 1/2, par. 18c-1104(8)), but has been operating as a "common carrier of property by motor vehicle as defined by Section 18c-4206 of the Law.

- b) If it appears from the evidence that the contract carrier has been operating both as a common and a contract carrier, the Commission will determine whether it would be consistent with the public interest for the carrier to hold both common and contract authority, as required by Section 18c-4206 of the Law.
- c) The burden of proving that contract authority should be converted to common authority shall be borne by the party initiating the proceeding.

Section 1309.30 Scope of Converted Authority

- a) When the Commission determines that a contract carrier's authority should be converted to common authority, the Commission will issue common authority only to the extent the carrier has demonstrated that a public need for the carrier's services exists.
- b) Evidence of public need shall consist solely of an abstract of shipments performed by the contract carrier within one year prior to the initiation of the proceedings to convert. Only those shipments falling within the commodity and geographic scope of the contract authority may be considered in determining whether a public need for the carrier's service exists.
- c) In no case shall the commodity or geographic scope of a common authority issued as a result of proceedings to convert be greater than the commodity or geographic scope of the converted contract authority.
- d) A contract carrier in a conversion proceeding shall not be deemed to have engaged in illegal operations solely because the carrier was not operating a "contract carrier of property by motor vehicle" as defined by Section 18c-1104(8) of the Law.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Operator Service Providers
- 2) Code Citation: 83 Ill. Adm. Code 770
- 3) Section Numbers:
770.10 New Section
770.20 New Section
770.30 New Section
- 4) Statutory Authority: Implementing and authorized by Section 13-901 of the Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 13-901).
- 5) A Complete Description of the Subjects and Issues Involved:
Section 13-901 of the Public Utilities Act authorizes the Commission to develop rules for the limited regulation of alternative operator services. These proposed rules will establish standards of service for operator service providers within the constraints of the underlying statute. These proposed rules also define the technical feasibility for unblocking access in terms of the Federal Communications Commission requirements for unblocking interstate access.
- 6) Will these proposed rules replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date: No.
- 8) Do these proposed rules contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 21, 1992
- B) Types of small businesses affected: These rules will affect those operator service providers and aggregators that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: Managerial skills.

The full text of the Proposed Rules begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 770

OPERATOR SERVICE PROVIDERS

Section
770.10 Definitions
770.20 Standards of Service
770.30 Technical Feasibility

AUTHORITY: Implementing and authorized by Section 13-901 of the Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 13-901).

SOURCE: Adopted at Ill. Reg. , effective .

NOTE: Use of capitalization denotes statutory language.

Section 770.10 Definitions

"Access codes" means the 950, 1-800, or 10XXX methods of gaining access to a telecommunications carrier other than the carrier presubscribed to by a particular telephone by an aggregator.

"Act" means the Public Utilities Act, Ill. Rev. Stat. 1989, ch. 111 2/3, par. 1-101 et seq.

"Aggregator" MEANS EVERY PERSON OR ENTITY, WHICH IS NOT A TELECOMMUNICATIONS CARRIER, WHO, IN THE ORDINARY COURSE OF ITS BUSINESS, MAKES TELEPHONES AVAILABLE TO THE PUBLIC OR TO TRANSIENT USERS OF ITS BUSINESS, INCLUDING, BUT NOT LIMITED TO, A HOTEL, MOTEL, HOSPITAL, OR UNIVERSITY, WHICH PROVIDES OPERATOR-ASSISTED SERVICES THROUGH AN OPERATOR SERVICE PROVIDER (Section 13-901 of the Act).

"Commission" means the Illinois Commerce Commission.

"Contract" means any contract that involves the provision of operator services.

"Customer" means the person making a telephone call using a telephone made available by an aggregator.

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

"Equal access code" means the 10XXX methods of gaining access to a telecommunications carrier other than the carrier presubscribed to a particular telephone by an aggregator.

"FCC" means the Federal Communications Commission.

"Operator service provider" or "OSP" means EVERY TELECOMMUNICATIONS CARRIER WHICH PROVIDES OPERATOR-ASSISTED CALLS WHICH ASSIST CALLERS IN THE PLACEMENT OR CHARGING OF A CALL, EITHER THROUGH LIVE INTERVENTION OR AUTOMATED INTERVENTION (Section 13-901 of the Act).

Section 770.20 Standards of Service

- a) Each OSP shall provide customers with the rates, terms, or conditions for operator-assisted calls upon request and without charge.
- b) The OSP must inform the customer, before the inception of billing, of its identity. This notification may take either the form of verbal identification (including voice recording) by the OSP or of an informational message by visual display on or adjacent to the telephone equipment owned or controlled by the aggregator or by the OSP if the OSP owns or provides the telephone.
- c) All contracts between an operator service provider and an aggregator must contain language which assures that any person making a telephone call on any telephone owned or controlled by the aggregator or operator service provider can access the following:

- 1) WHERE TECHNICALLY FEASIBLE, ANY OTHER OPERATOR SERVICE PROVIDER CERTIFIED BY THE COMMISSION AND OPERATING IN THE RELEVANT GEOGRAPHIC AREA BY ALLOWING 950, 1-800, 10XXX, OR OTHER SIMILAR METHODS OF ACCESS UNLESS THE OPERATOR SERVICE PROVIDER OR AGGREGATOR HAS RECEIVED A WAIVER FROM THE FCC OF THE REQUIREMENT THAT BLOCKING NOT OCCUR;
- 2) THE LOCAL EXCHANGE CARRIER OPERATOR CERTIFIED BY THE COMMISSION AND OPERATING IN THE RELEVANT GEOGRAPHIC AREA; AND
- 3) THE EMERGENCY TELEPHONE NUMBER THAT SERVICES THE JURISDICTION WHERE THE TELEPHONE IS LOCATED (Section 13-901 of the Act).

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Section 770.30 Technical Feasibility

- a) With the adoption of rules by the FCC (47 C.F.R. 64.704) concerning the unblocking of access, the Commission finds that the schedule set by the FCC for the unblocking of access to the interstate telecommunications network dictates the technical feasibility for the unblocking of all telephones subject to the intrastate jurisdiction of the Commission.
- b) Each contract between an OSP and an aggregator shall provide that the aggregator for which such OSP is the presubscribed provider of operator services is in compliance with the requirements of subsection (c).
- c) Each aggregator shall, by the earliest applicable date set forth in this subsection, ensure that any of its equipment presubscribed to an operator services provider allows the customer to use equal access codes to obtain access to the customer's desired provider of operator services. The timetable for the unblocking of access for intrastate phone calls is as follows:
 - 1) All equipment shall allow the customer to use access codes other than equal access code to gain access to the customer's desired provider of operator services within 90 days of the effective date of this Part;
 - 2) Each pay telephone shall, within six months of the effective date of this Part, allow the customer to use equal access codes to gain access to the customer's desired provider of operator services;
 - 3) All equipment that is technologically capable of identifying the dialing of an equal access code followed by any sequence of numbers that will result in billing to the originating telephone and that is technologically capable of blocking access through such dialing sequences without blocking access through other dialing sequences involving equal access codes, shall, within six months of the effective date of this Part or upon installation, whichever is sooner, allow the customer to use equal access codes to obtain access to the customer's desired provider of operator services;

ILLINOIS REGISTER

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NOTICE OF PROPOSED RULES

- 4) All equipment or software that is manufactured or imported on or after April 17, 1992, and installed by an aggregator shall, immediately upon installation by the aggregator, allow the customer to use equal access codes to obtain access to the customer's desired provider of operator services;
- 5) All equipment that can be modified at a cost of no more than \$15.00 per line to be technologically capable of identifying the dialing of an equal access code followed by any sequence of numbers that will result in billing to the originating telephone and to be technologically capable of blocking access through such dialing sequences without blocking access through other dialing sequences involving equal access codes, shall, within eighteen months of the effective date of this Part, allow the customer to use equal access codes to obtain access to the customer's desired provider of operator services;
- 6) All equipment not included in subsections (c)(2)-(5) of this Section shall, no later than April 17, 1997, allow the customer to use equal access codes to obtain access to the customer's desired provider of operator services.
- d) The requirements of subsection (c) do not apply to the use of equal access code dialing sequences that result in billing to the originating telephone.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Employment
 - 2) Code Citation: 56 Ill. Adm. Code 2732
 - 3) Section Number: Proposed Action:
2732.203 New Section
2732.220 New Section
 - 4) Statutory Authority: Ill. Rev. Stat., 1989, ch. 48, pars. 315, 316, 322, 327, 610 and 611.
 - 5) A Complete Description of the Subjects and Issues Involved:
The first proposed rule states the Department's policy that regulation or licensing requirements by another governmental entity will not result in a "per se" finding of the "direction or control" requirement of Section 212 of the Act. However, the effects of such regulation or licensing requirements shall be considered in determining the existence of "direction or control".

The second proposed rule interprets certain key terms in Section 217 of the Act. This Department's rule is modelled on a similar rule proposed by the Internal Revenue Service at 51 Federal Register 619 to interpret the Federal Unemployment Tax Act.
 - 6) Will the proposed amendment replace an emergency amendment currently in effect? No.
 - 7) Does this rulemaking contain an automatic repeal date? No.
 - 8) Does this proposed amendment contain incorporations by reference? No.
 - 9) Are there any other proposed amendments pending on this Part? Yes.
- | | | |
|------------------------|------------------------|--|
| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Ill. Reg. Citation</u> |
| 2732.305 | New Section | 16 Ill. Reg. 785
(January 17, 1992) |
- 10) Statement of Statewide Policy Objective? Not Applicable.
 - 11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

Gregory J. Ramel, Acting Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Small Business Office of the Department of Commerce and Community Affairs: February 18, 1992.

Types of small businesses affected: All regulated businesses subject to the Unemployment Insurance Act and all businesses which employ direct sellers of consumer goods.

Reporting, bookkeeping or other procedures required for compliance: None - these amendments only set forth the agency's policy and interpretation of terms.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2732
EMPLOYMENT

SUBPART B: SERVICES IN EMPLOYMENT

Section
2732.200
2732.203

Section 212 Of The Act - Services In Employment
The Effect Of Regulation By A Governmental Entity On "Direction Or Control" Under Section 212 Of The Act
Mandatory Jury Service
Exemption From The Definition Of Employment For Direct Sellers of Consumer Goods

AUTHORITY: Implementing and authorized by Sections 205, 206, 212, 217, 1700, and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1989, ch. 48, pars. 315, 316, 322, 327, 610 and 611).
SOURCE: Adopted at 13 Ill. Reg. 8864, effective May 30, 1989; amended at 14 Ill. Reg. 673, effective January 2, 1990; amended at 16 Ill. Reg. _____, effective _____.

SUBPART B: SERVICES IN EMPLOYMENT

Section 2732.203

The Effect Of Regulation By A Governmental Entity On "Direction Or Control" Under Section 212 Of The Act

In determining whether direction or control exists, the Agency shall consider the factors set forth in Section 2732.200. Regulation or licensing of a person, organization, trade or business by a governmental entity or use of the terms "direction" and/or "control" in a regulatory or licensing requirement shall not, by operation of law or "per se", constitute a showing of "direction or control" for the purpose of Section 212 of the Act or Section 2732.200(g).

Source: Added at 16 Ill. Reg. _____, effective _____.

Section 2732.220

Exemption From The Definition Of Employment For Direct Sellers of Consumer Goods

- a) For the purpose of applying Section 217(b) of the Act (Ill. Rev. Stat. 1989, ch. 48, par. 327(b)), the

following terms have the meanings set forth below.

1) "Consumer product" means any tangible personal property which is distributed in commerce and which is normally used for personal, family or household purposes (including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed). The term "consumer product" does not include any product used in the manufacture of another product to be distributed in commerce or any product used only incidentally in providing a service (e.g., insecticide used in a pest control service, materials used in an appliance repair business). Where the sale of the consumer product includes the sale of a service (such as installation), such installation shall be considered incidental to the sale of the consumer product, and, therefore, not effect the exemption if the value of the installation is less than 10 per cent of the cost of the total purchase price (including installation).

2) A transaction is on a "buy-sell basis" if the salesperson is entitled to retain part or all of the difference between the price at which the salesperson purchases the product and the price at which he sells the product to the consumer as part or all of the remuneration for the services.

3) A transaction is on a "deposit-commission basis" if the salesperson is entitled to retain part or all of a purchase deposit paid by the consumer in connection with the transaction as part or all of the salesperson's remuneration for services.

4) "Permanent retail establishment" is any retail business operating in a structure or facility that remains stationary for a substantial period of time to which consumers go to purchase consumer goods. Examples of these establishments are grocery stores, hardware stores, clothing stores, hotels, restaurants, drug stores and newsstands.

Example: A vendor who sells consumer products in a parking lot or other property which is near to or serving a sports arena or other amusement area pursuant to an agreement which grants to the vendor or to another entity for which the vendor provides service the right to sell consumer products on such property sells consumer products in a permanent retail establishment, regardless of whether the sale is made within a permanent structure.

- b) The "written contract" requirement is not met unless the contract specifically states that the individual will not be treated as an employee for Federal tax purposes. It will not be sufficient that the contract merely state that the individual will not be treated as an employee.
- c) Services provided prior to the later of the effective date or the date of execution of the written contract shall not be exempt under Section 217(b) of the Act.
- d) The "substantially all the remuneration" requirement of Section 217(b) is satisfied if at least 90 per cent of the total remuneration, including advances and draws, received by the individual for the calendar year from that employing unit for performing such services is directly related to sales or other output rather than to the number of hours worked. Advance or draw shall not include monies which, pursuant to a binding written contract, must be repaid by the individual directly or indirectly (including by a debit against the individual's account with the employing unit).

Source: Added at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED RULES

1) Heading of the Part: Americans with Disabilities Act Grievance Procedure

2) Code Citation: 4 Ill. Adm. Code 650

3) Section Number: Proposed Action:

650.10	New Section
650.20	New Section
650.30	New Section
650.40	New Section
650.50	New Section
650.60	New Section
650.70	New Section

4) Statutory Authority: Implementing Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 107 of the Financial Institutions Code (Ill. Rev. Stat., 1991, ch. 17, par. 107).

5) A Complete Description of the Subjects and Issues Involved:

As required by the Americans with Disabilities Act of 1990, these proposed rules establish a procedure whereby qualified persons with disabilities may resolve allegations of denial of public service on the basis of disability.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandate Act (Ill. Rev. Stat., 1991, ch. 85, par. 2203).

11) Time, Place, and Manner in Which Interested Persons May Comment on this Rulemaking: The Department will accept only comments submitted on a Response Form provided by the Department. Comments must be received within forty-five days of the date of this publication.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED RULES

Requests for response forms and submission of comments are to be directed to:

Henry Sintzenich, Deputy Counsel
Department of Financial Institutions
500 Iles Park Place, Suite 314
Springfield, IL 62718-1094
217/782-3704

12) Initial Regulatory Flexibility Analysis:

A) Date rules were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 24, 1992

B) Types of small businesses affected: The grievance procedure set forth in this Part is not applicable to small businesses.

C) Reporting, bookkeeping or other procedures required for compliance: Small businesses will not be required to undertake any reporting or bookkeeping activities pursuant to this Part.

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS
NOTICE OF PROPOSED RULES

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER: XXIII DEPARTMENT OF FINANCIAL INSTITUTIONS
PART 650

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

- SECTION
650.10 Purposes
650.20 Definitions
650.30 Procedure
650.40 Designated Coordinator Level
650.50 Final Level
650.60 Accessibility
650.70 Case-by-Case Resolution

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 107 of the Financial Institutions Code (Ill. Rev. Stat., 1991, ch. 17, par. 107.)

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

Section 650.10 Purposes

- a) This Americans With Disabilities Act Grievance Procedure ("Procedure") is established pursuant to the Americans With Disabilities Act of 1990, 42 USC Section 12101 et seq., Americans With Disabilities Act ("ADA") and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, they should contact the Designated Coordinator for the Department of Financial Institutions ("Department").
- b) In general, the ADA requires that each program, service, and activity offered by the Department, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Department to foster open communication with all individuals requesting readily accessible programs, services and activities. The Department encourages supervisors of

programs, services and activities to respond to requests for modifications before they become grievances.

Section 650.20 Definitions

"Complainant" is an individual with a disability who files a grievance with the Department under this procedure.

"Designated Coordinator" is the person(s) appointed by the Department Director who is responsible for the coordination of efforts of the Department to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants.

"Grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Department, and believes he or she has been excluded from participation in, or denied the benefits of any program, service or activity of the Department or has been subject to discrimination by the Department.

"Grievance Form" is a Department created form which when completed by a complainant, includes but is not limited to, the name, address and telephone number of the Complainant; date of incidence; a short factual statement of the grievance; and the relief requested, if applicable.

Section 650.30 Procedure

- a) Grievances must be submitted in accordance with and follow the procedures set forth in Section 650.40 and Section 650.50 of this Part. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.

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- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Department's last response.

- c) The Department shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this Procedure and provide a Grievance Form.

Section 650.40 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.

- b) Upon request, assistance shall be provided by the Department to complete the Grievance Form.

- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Director within ten (10) business days after receipt of the Grievance Form.

Section 650.50 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Director of the Department for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the Designated Coordinator's response.

- b) The Director shall appoint a 3-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairman.

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- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representation to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.

- d) Upon reaching a concurrence, the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall also sign such recommendation.

- e) Upon receipt of recommendations from a panel, the Director shall approve, disapprove or modify the Panel recommendations. shall render a decision thereon in writing, shall state the basis therefore, and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the Panel recommendations, the Director shall include written reasons for such disapproval or modification.

- f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the Director shall be maintained in accordance with the State Records Act, (Ill. Rev. Stat. 1991, ch. 116, par. 43.3 et seq.), or as otherwise required by law.

Section 650.60 Accessibility

The Department shall ensure that all stages of the Procedure are readily accessible to and usable by individuals with disabilities.

Section 650.70 Case-by-Case Resolution

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the

DEPARTMENT OF LABOR

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED RULES

1) Heading of Part: Health and Safety.

2) Code Citation: 56 Ill. Adm. Code 350

3) Section Numbers:
350.290
350.300
350.310

Proposed Action:
New Section
New Section
New Section

4) Statutory Authority: Implementing and authorized by "AN ACT in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act herein named" (Ill. Rev. Stat. 1991, ch. 48, par. 59.02 et seq.) and the "Health and Safety Act" (Ill. Rev. Stat. 1991, ch. 48, par. 137.1 et seq.)

5) A Complete Description of the Subjects and Issues Involved:

The Health and Safety Act requires the Department to promulgate rules to control employment hazards in order to provide reasonable protection to the lives, health, and safety of public employees.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporation by reference? No

9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
350.10	Amendment	16 Ill. Reg. 1 (January 3, 1992)
350.280	Amendment	16 Ill. Reg. 1 (January 3, 1992)

10) Statement of Statewide Policy Objectives:

The U.S. Department of Labor has determined that a federal standard is necessary for the protection of employees who work in confined spaces, and that asphyxiation is the leading cause of death in confined spaces. Although the U.S. Department of Labor published an advanced Notice of Proposed Rulemaking on July 24, 1975, a final rule has never been completed. The Illinois Department of Labor believes that this proposed amendment will provide the necessary protection for Illinois public employees.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted to the following:

Ron Doughty
Safety Inspection and Education Division
Illinois Department of Labor
#1 West Old State Capitol Plaza, Room 300
Springfield, IL 62701
217/782-9246

Department. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

NOTICE OF PROPOSED AMENDMENTS

Public hearings are scheduled as follows:

10:00 A.M., Wednesday, March 18, 1992
Illinois Department of Labor
#1 West Old State Capitol Plaza, Room 300
Springfield, IL

1:00 P.M., Thursday, March 19, 1992
Illinois Department of Labor
310 South Michigan Avenue, Floor 10
Chicago, IL

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not Applicable

B) Types of small businesses or municipalities affected:

Due to the effect of preemption of Department rules by the federal Occupational Safety and Health Administration, private sector businesses are not affected. Municipalities which have workers who enter confined spaces will be affected.

C) Reporting, bookkeeping, or other procedures required for compliance:

The new standard requires a written compliance program and recordkeeping. This standard does not require the use of any new standardized forms.

The written program documents the employer's program to protect the health of the employees from respiratory hazards. The employer must also maintain employee training records.

Guidance for the proper maintenance of the documentation is provided free of charge by the Department.

D) Types of professional skills necessary for compliance:

General administrative skills are sufficient for compliance with the proposed amendments.

The full text of the Proposed Amendment begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER 1: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350
HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section	Purpose and Scope
350.10	Definitions
350.20	Posting of Notice
350.30	Availability of Rules and Standards
350.40	Inspection Authority
350.50	Advance Notice of Inspection
350.60	Conduct of Inspections
350.70	Closing Conferences
350.80	Representatives of Employers and Employees
350.90	Objections During Inspection
350.100	Trade Secrets or Confidential Information
350.110	Consultation with Employees
350.120	Complaints by Employees
350.130	Imminent Danger
350.140	Citations
350.150	Posting of Citations
350.160	Appeal of Citation
350.170	Appeal of Abatement Period
350.180	Petition for Variance from Standards
350.190	Hearings
350.195	Advisory Inspections
350.200	

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

350.210	Emergency Notification
350.220	Recordable Injuries and Illnesses
350.230	Log of Injuries and Illnesses
350.240	Supplementary Record of Injuries and Illnesses
350.250	Annual Summary
350.260	Retention of Records
350.270	Access to Records

SUBPART C: FEDERAL STANDARDS

350.280	Adoption of Federal Standards
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DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: CONFINED SPACE RESPIRATORY HAZARDS STANDARD

350.290 Purpose and Scope
350.300 Entry Program
350.310 Requirements

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by "AN ACT in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act therein named" (Ill. Rev. Stat. 1991, ch. 48, par. 59.02 et seq.) and the "Health and Safety Act" (Ill. Rev. Stat. 1991, ch. 48, par. 137.1 et seq.).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. _____, effective _____.

SUBPART D: CONFINED SPACE RESPIRATORY HAZARDS STANDARDSection 350.290 PURPOSE AND SCOPE

This subpart establishes minimum occupational safety and health standards for protecting public employees from respiratory hazards associated with entering the following types of confined spaces: sewers, pipes, utility vaults, lift stations, manholes, and wet wells. Typical respiratory hazards which may be expected in such facilities are the depletion of the oxygen in the air, and the accumulation of gases and vapors which may be toxic, flammable, or explosive. For confined spaces beyond the scope of this standard, such as chemical tanks and boilers, employers shall comply with American National Standard ANSI Z117.1-1989, "Safety Requirements for Confined Spaces," dated October 5, 1989. That standard applies to other confined space work areas that have the following characteristics: the primary function of the area is something other than human occupancy, there are physical restrictions to entry and exit, and there are potential or known hazards.

Section 350.300 ENTRY PROGRAM

Each employer who allows employees to enter a confined space within the scope of this standard shall develop a documented program which will insure compliance with the requirements of this standard and include the following minimum elements:

- 1) Identification of the confined spaces within the employer's jurisdiction.
- 2) Employee safety and health procedures.
- 3) Equipment operation and maintenance.
- 4) Emergency procedures.
- 5) Employee training.

NOTICE OF PROPOSED AMENDMENTS

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Section 350.310 REQUIREMENTS

a) Employees who are required to enter a confined space shall previously have been trained on established procedures and the recognition and control of air quality hazards that may be encountered. Employees shall be annually retrained.

h) If it is necessary to enter a work area with an atmosphere that is not fully within the limits specified in Section 350.310(b), an attempt shall be first made to identify and eliminate the source of contamination, the area shall be ventilated, and may be entered when testing indicates an atmosphere within the limits specified, provided the ventilation and testing is continued during the entire period of occupancy.

b) A confined space shall not be entered until the atmosphere is first tested and found to have:

i) A confined space work area that cannot be brought fully within the limits specified in Subsection 350.310(b), or where work is performed, such as welding or the use of chemicals, which would generate respiratory hazards, shall not be entered using the procedures of this standard. If the operation requires a worker to enter such a hazardous atmosphere, the employer shall comply with the more stringent requirements of American National Standard ANSI Z117.1-1989, "Safety Requirements for Confined Spaces," dated October 5, 1989. That standard establishes requirements for an employer program addressing the elements of: a permit system, atmospheric testing, attendants, isolation/lockout/tagout, ventilation, cleaning/decontamination, personal protective equipment, safeguards, warning signs/symbols, emergency response, training, medical suitability, and contractors.

1) An oxygen content of a least 19.5%, but not greater than 23.5% by volume.

2) A hydrogen sulfide level of less than 10 parts per million.

3) A combustible gas/vapor mixture of less than 10% of the lower explosive limit.

4) A concentration of any hazardous chemical less than the limits listed in 29 CFR 1910 Subpart Z.

c) Individual testing devices or a testing device which can simultaneously test for oxygen, hydrogen sulfide, and combustible gas/vapors without manual switching shall be used to test the atmosphere of the space. Testing devices shall be equipped with audible and visual warning devices, and signals from the monitoring device shall immediately indicate when the atmospheric conditions within the space fall outside of the air quality limits established by Section 350.310(b) for oxygen, hydrogen sulfide, and combustible gas/vapor. If other hazardous chemicals are believed to exist in the space, the appropriate test device must also be used to determine if the airborne concentrations are within limits.

d) Testing of the confined space shall be conducted in accordance with the test equipment's manufacturer's instructions and standard industry practice.

e) The calibration of testing devices shall be in accordance with manufacturer's instructions. Devices shall be field tested each day prior to use.

f) When occupied by an employee, the atmosphere within the confined space shall continuously be provided with forced ventilation and continuously be monitored for oxygen, hydrogen sulfide, combustible gas/vapor, and any suspected toxic/hazardous materials.

g) If the monitoring device should signal that air quality within the work area has reached a level outside the limits established by Section 350.310(b), all employees shall immediately exit the confined space.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF PROPOSED AMENDMENT(S)

1) The Heading of the Part: The Illinois Explosives Act

2) Code Citation: 62 Ill. Adm. Code 200

3) Section Number:

200.12	<u>Proposed Action:</u>
200.201	Amend
200.402	Amend
200.500	Amend
200.600	Amend
200.603	Amend
200.604	Amend
200.806	Amend
200. Appendix B	New Section

4) Statutory Authority: Ill. Rev. Stat. ch. 96 1/2, par. 1-1001 et seq.

5) A complete description of the subjects and issues involved:

Section 200.12: incorporates by reference the Table of Separation Distances for Low Explosives as provided in the regulations of the Bureau of Alcohol, Tobacco and Firearms.

Section 200.201(b): deletes the word "direct" in identifying the Magazine Keeper as the person responsible for the magazine.

Section 200.201(d): clarifies the requirements for an application for storage certificate to include a statement of the kind and quantity of explosives to be stored "at any one time" in the proposed magazine.

Section 200.402: provides that magazines containing solely low explosives shall be separated from inhabited buildings, passenger railways, and public highways in accordance with the Table for Separation Distances for Low Explosives.

Section 200.500: includes recently added statutory language allowing the Director of the Department to approve variations from the magazine construction requirements where such variations substantially meet the safety and security requirements of this subpart.

Section 200.600: allows the magazine certificate holder to designate an individual other than the Magazine Keeper as being the person responsible for the reports and records required by this subpart and the Illinois Explosives Act.

Section 200.603(a): allows the magazine certificate holder to depart from the first in/first out explosives removal requirement where that holder has adopted a quality control program that ensures the removal of any

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explosives that have become unstable or dangerous.

Section 200.603(b): adds the words "in a magazine" in referring to the requirement that like stocks be stored together.

Section 200.604: deletes language requiring that sweepings of magazines be disposed of in accordance with instructions from the manufacturer of the explosives and adds language that provides that such sweepings are to be disposed of in accordance with safe handling procedures.

Section 200.806: no language change, simply changes the lettering of the paragraphs of this section.

Appendix B: adds the Table of Separation Distances for Low Explosives.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference?
Yes.

9) Are there any other amendments pending on this Part?
No.

10) Statement of Statewide Policy Objectives:

There rules changes are intended to conform to changes recently made to the Illinois Explosives Act allowing the Director of the Department to approve variations from the magazine construction standards as required by the subpart where such variations substantially meet the safety and security requirements of those standards, to increase the separation distance requirements for magazines containing solely low explosives to agree with federal standards, and in some respects to allow magazine owners to adopt their own standards for removal of explosives materials where those standards still ensure safety and security, this being due to a recognition that not all manufacturers of explosives do provide such standards.

11) Time, Place, and Manner in which interested persons may comment on proposed rulemaking:
Written comments may be submitted within 45 days of the publication of this notice to:

John C. Lynch, General Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300

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Springfield, IL 62791-0137

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

PART 200

THE ILLINOIS EXPLOSIVES ACT

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on April 20, 1992. Comments received thereafter will not be considered in this rulemaking.

SUBPART A: SCOPE, AUTHORITY AND DEFINITIONS

Section
200.10
200.11
200.12

Scope and Authority
Definitions
Incorporated Materials

12) Initial Regulatory Flexibility Analysis:

SUBPART B: LICENSE APPLICATION

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: February 25, 1992
- B) Types of small businesses affected:
Explosives magazines owners
- C) Reporting, bookkeeping or other procedures required for compliance:
None
- D) Types of professional skills necessary for compliance:
None

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200.105
200.106
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Application for Original Licensure
Contents of Application
Fingerprint Cards
Written Examination
Incomplete Application
Denial of Application
Refusal to Issue
License Renewal
Temporary License

The full text of the Proposed Amendments begin on the next page.

SUBPART C: STORAGE CERTIFICATE APPLICATION

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Application for Original Storage Certificate
Contents of Application
Incomplete Application
Denial of Application
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Refusal to Issue
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SUBPART D: FEES

Section
200.300
200.301
200.302

Fees
Proration of Fees
Waiver of Fees - Government Agencies

SUBPART E: CLASSIFICATION OF MAGAZINES AND GENERAL STORAGE REQUIREMENTS

Section

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NOTICE OF PROPOSED AMENDMENT(S)

- 200.400 General Storage Requirements
 200.401 Classification of Magazines
 200.402 Location of Magazines - Distances and Quantity
- SUBPART F: MAGAZINE CONSTRUCTION STANDARDS

- Section
 200.500 Construction of Magazines
 200.501 Type 1 Magazine
 200.502 Type 2 Magazine
 200.503 Type 3 Magazine
 200.504 Type 4 Magazine
 200.505 Type 5 Magazine
- SUBPART G: MAGAZINE OPERATIONS AND MAINTENANCE

- Section
 200.600 Magazine Keeper
 200.601 Security Precautions
 200.602 Safety Precautions - General
 200.603 Safety Precautions - Handling and Storage
 200.604 Magazine Maintenance and Repair

SUBPART H: TYPE 3 MAGAZINES AND VEHICLES
AT BLAST AREAS

- Section
 200.700 Requirements for Type 3 Magazines
 200.701 On-Site Vehicles; Warning Signs

SUBPART I: RECORDKEEPING AND REPORTING

- 200.800 Possession of License
 200.801 Posting of Storage Certificate
 200.802 Report of Lost, Stolen or Destroyed License or Storage Certificate
 200.803 Worn or Damaged License or Storage Certificate
 200.804 Report of Changed Conditions; Cancellation or Modification of Storage Certificate
 200.805 Report of Theft or Loss of Explosive Materials
 200.806 Records of Transactions - Licensees and Certificate Holders
 200.807 Daily Summary of Magazine Transactions
 200.808 Transactions - Black Powder
 200.809 Record of Annual Physical Magazine Inventory
 200.810 Inspections

SUBPART J: RULES OF PROCEDURE IN ADMINISTRATIVE HEARINGS

Section

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- 200.900 Notice of Department's Intended Action; Contents and Services
 200.901 Request for Hearing on Department's Intended Action; Contents and Service
 200.902 Notice of Hearing
 200.903 Postponement or Continuance of Hearing
 200.904 Hearing Officer; Powers and Duties
 200.905 Pre-Hearing Conferences
 200.906 Burden and Standard of Proof
 200.907 Default
 200.908 Evidence
 200.909 Briefs
 200.910 Hearing Officer's Decision
 200.911 Final Administrative Decision
 200.912 Administrative Fines
 200.913 Immediate Suspension Without Notice of Hearing
 200.914 Computation of Time

200. Appendix A: American Table of Distances for Storage of Explosive Materials
 200. Appendix B: Table of Separation Distances for Low Explosives

AUTHORITY: Implementing and authorized by the "Illinois Explosives Act", P.A. 86-364, approved August 30, 1989, effective January 1, 1990.

SOURCE: Amended September 15, 1973; codified at 7 Ill. Reg. 12867; Part repealed, new Part adopted at 14 Ill. Reg. 3503, effective February 23, 1990; amended at _____, effective _____.

Section 200.12 Incorporated Materials

- a) The following federal and state regulations, and standards are incorporated or referenced in various sections of this Part:

- 1) "The National Electrical Code" - (1987 Edition) published by:
 The National Fire Protection Association (NFPA)
 1110 Vermont Ave., N.W., Suite 1210
 Washington, D.C. 20005,
- 2) "The Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" - (NFPA 495-1985 Edition) published by:
 The National Fire Protection Association (NFPA)
 1110 Vermont Ave., N.W., Suite 1210
 Washington, D.C. 20005
- 3) "Warnings and Instructions for Consumers in Transporting, Storing, Handling, and Using Explosive Materials" (Safety Library Publication No. 4, June 1987 Edition)
 Institute of Makers of Explosives

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1120-19th Street, N.W., Suite 310
Washington, D.C. 20036

- 4) "Table of Distances for Storage of Low Explosives", 27 CFR 55.219, regulations of the Bureau of Alcohol, Tobacco, and Firearms.

- b) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) All materials incorporated by reference are available for inspection and copying at the Department's General Office, 300 W. Jefferson, Suite 300, Springfield, Illinois 62791-0137.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 200.201 Contents of Application

The application for an original storage certificate shall include:

- a) The full name and the business and residence addresses and telephone numbers of the person making the application.
- b) The full name and the business and residence addresses and telephone numbers of the person having direct responsibility for the magazine (the magazine keeper), if different from the applicant.
- c) The location or proposed location of the magazine, including the township, county and, if the magazine is located in an unincorporated area, the name and distance from the nearest municipality.
- d) The kind and maximum quantity of explosive materials intended to be stored in the magazine at any one time.
- e) The distance or intended distance of the magazine from the nearest magazine building, railroad or highway, and whether the magazine is barricaded.
- f) A description of the purposes for which explosive materials are intended to be stored.
- g) The full names and explosive license numbers of all persons who will have access to and handle explosive materials, or a statement of the reasons for which an exemption from the individual license requirements is claimed under Section 1004 of the Act.

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(Source: Amended at Ill. Reg. _____, effective _____)

Section 200.402 Location of Magazines - Distances and Quantity

- a) All outdoor magazines except Type 3 shall be located as provided in the American Table of Distances for magazines containing any amount of high explosives and the Table of Separation Distances for Low Explosives for containing low explosives when determining minimum distances of inhabited buildings, passenger railways, and public highways.
- b) Separation Distances in the American Table of Distances, the Table of Separation Distances for Low Explosives and the Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents shall be used in determining minimum separation of storage facilities for explosives, blasting agents, and ammonium nitrate. The American Table of Distances and the Table of Separation Distances for Low Explosives should be used to determine safe distances from inhabited dwellings, highways, passenger railways, and between explosive materials magazines. The table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents should be used to determine non-propagation distances to ANFO blasting agents and to ammonium nitrate. The greater of the distances shown in the American Table of Distances or the Table of Separation Distances for Low Explosives, whichever is applicable, and in the Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents should be used to determine the required separation between a magazine for storage of explosives and a magazine for storage of blasting agents.
- c) The storage of explosive materials in indoor magazines shall not exceed 50 pounds in any building or facility. No indoor magazine shall be located in a residence or dwelling. Indoor magazines shall be located on a floor which has an exit at or ramp to exterior grade level. Indoor magazines shall be located not more than 10 feet from such an exit. Two magazines may be located in the same building or facility when one is used for detonators only, in quantities not in excess of 5,000, and when a distance of 10 feet is maintained between magazines. All indoor magazines must be on casters or wheels to facilitate removal from a building in an emergency. The local fire department shall be notified of the location of the magazines and of any change in location.
- d) A Type 3 magazine is not subject to the American Table of Distances nor the Table of Separation Distances for Low Explosives, but shall be located as far away as practicable from neighboring inhabited buildings, railways, highways, and any other magazines.

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(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART F: MAGAZINE CONSTRUCTION STANDARDS

Section 200.500 Construction of Magazines

a) THE DIRECTOR MAY AUTHORIZE ALTERNATE CONSTRUCTION FOR EXPLOSIVES STORAGE MAGAZINES WHEN IT IS SHOWN THAT THE ALTERNATE MAGAZINE CONSTRUCTION IS SUBSTANTIALLY EQUIVALENT TO THE STANDARDS OF SAFETY AND SECURITY CONTAINED IN THIS SUBPART. ANY PERSON INTENDING TO USE ALTERNATE MAGAZINE CONSTRUCTION SHALL SUBMIT A LETTER APPLICATION TO THE DIRECTOR, SPECIFICALLY DESCRIBING THE PROPOSED MAGAZINE. EXPLOSIVE MATERIALS MAY NOT BE STORED IN ALTERNATE MAGAZINES BEFORE THE APPLICANT HAS BEEN NOTIFIED THAT THE APPLICATION HAS BEEN APPROVED.

a b) Magazines constructed according to the following minimum specifications are approved as bullet-resistant as defined by Section 200.11 of this Part (all steel and wood dimensions are actual thicknesses; all concrete block and brick dimensions are nominal thicknesses):

- 1) Exterior of steel:
 - A) 5/8 inch steel with an interior lining of any type of non-sparking material.
 - B) 1/2 inch steel with an interior lining of not less than 3/8 inch plywood.
 - C) 3/8 inch steel with an interior lining of:
 - i) 2 inches of hardwood, or
 - ii) 3 inches of softwood, or
 - iii) 2 1/4 inches of plywood.
 - D) 1/4-inch steel with an interior lining of:
 - i) 2 inches of hardwood, or
 - ii) 5 inches of softwood, or
 - iii) 5 1/4 inches of plywood, or
 - iv) 1 1/2 inches of plywood with an intermediate layer of 2 inches of hardwood.

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E) 3/16-inch steel with an interior lining of:

- i) 4 inches of hardwood, or
- ii) 7 inches of softwood, or
- iii) 6 3/4 inches of plywood, or
- iv) 3/4 inches of plywood with an intermediate layer of 3 inches of hardwood.

F) 1/8-inch of steel with an interior lining of:

- i) 5 inches of hardwood, or
- ii) 9 inches of softwood, or
- iii) 3/4 inches of plywood with an intermediate layer of 4 inches of hardwood, or
- iv) 3/4 inches of plywood with a first intermediate layer of 3/4-inch plywood and a second intermediate layer of 3-5/8 inches of well-tamped dry sand or sand and cement mixture.

2) Exterior of any type of fire-resistant material which is structurally sound with:

- A) An interior lining of 1/2-inch plywood placed securely against an intermediate layer of:
 - i) 4 inches solid concrete block, or
 - ii) 4 inches solid brick, or
 - iii) 4 inches solid concrete.
- B) An interior lining of 3/4 inches of plywood and a first intermediate layer of 3/4-inch plywood, a second intermediate layer of 3-5/8-inch well-tamped dry sand or sand and cement mixture, a third intermediate layer of 3/4-inch plywood, and a four intermediate layer of 2 inches of hardwood or 14-gauge steel.
- C) An intermediate 6 inch space filled with well-tamped dry sand or well-tamped sand and cement mixture.

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3) Masonry construction of:

- A) Standard 8-inch concrete block with voids filled with well-tamped dry sand or well-tamped sand and cement mixture, or
- B) Standard 8-inch solid brick, or
- C) 8-inch thick solid concrete.

b c) The ground around a magazine shall be graded in such a manner that water will not drain into the magazine.

e d) Battery-activated safety lights or battery-activated safety lanterns may be used in explosives storage magazines. Upon request, electric lighting systems for magazines will be authorized by the Department if they meet the standards prescribed by the National Electrical Code, for the conditions present in the magazine at any time. All electrical switches must be located outside of the magazine and also meet the standards prescribed by the National Electrical Code.

d e) Type 1, 2, 3 or 4 magazines constructed with masonry walls or with any ferrous metal must have such interior surfaces covered with a non-sparking lattice, paint, mastic, or equivalent lining to prevent direct contact with stored explosive materials.

e f) In a Type 5 magazine, ferrous metal may be exposed on the interior of the magazine provided it cannot rupture the packages of explosive materials.

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART G: MAGAZINE OPERATIONS AND MAINTENANCE

Section 200.600 Magazine Keeper

a) Magazines shall at all times be in the charge of a competent person, known as the Magazine Keeper, who shall be at least 21 years of age, and who shall be conversant with and be responsible for the enforcement of all safety and security precautions. The current business and residence addresses and telephone numbers of the Magazine Keeper shall be on file with the Department at all times.

b) The Magazine Keeper is responsible for seeing that the magazine is operated and maintained in accordance with this Part and that all reports and records are made and kept in accordance with Subpart I of this Part. The holder of the certificate may designate some other individual meeting the requirements of (a) above as being responsible

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for the required reports and records, by notifying the Department of the business and residence addresses and telephone numbers of that designated responsible individual.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 200.603 Safety Precautions - Handling and Storage

a) Use of Stocks.

When explosive material is removed from a magazine for use, the oldest stocks shall be removed first. Where the certificate holder has adopted a quality control program that does not necessarily involve the removal of the oldest stocks first, but which complies with Section 602(e) of this subpart, the requirements of this subsection shall be deemed to be met.

b) Like Stocks Together.

Corresponding grades and brands shall be stored in a magazine together and in such a manner that brand and grade marks are visible. All stocks shall be stored so as to be easily counted and checked.

c) Stacking.

Containers of explosive materials shall be stacked in a stable manner to prevent shifting or falling. Rigid containers of explosive materials shall be laid flat, and cases with top side up.

d) Ventilation.

Explosive materials shall be stored within a magazine so as not to interfere with required ventilation.

e) Black Powder.

Black powder, when stored in the same magazine with other explosive material, shall be stacked separately.

f) Containers.

Containers of explosive materials which have been opened shall be securely closed before being placed in a magazine. Only fiberboard containers may be opened in the magazine.

g) Damaged Containers.

Containers of damaged explosive materials shall not be unpacked or

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repacked in, or within 50 feet of, a magazine or in close proximity to other explosive materials.

h) Non-Sparking Tools.

Tools used for opening containers of explosive materials shall be constructed of non-sparking material, except that metal slitters may be used for opening fiberboard containers provided that the metal slitter does not come into contact with any metallic fasteners which may be in or part of the case. Only a wooden wedge and a fiber, rubber, or wooden mallet shall be used for opening or closing wood containers of explosive materials.

i) Stained Floors.

Magazine floors stained with liquid shall be dealt with according to instructions of the manufacturer.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

Section 200.604 Magazine Maintenance and Repair

a) Sweeping, Cleaning.

Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings of explosive materials from the floors of magazines shall be disposed of in accordance with the instructions--of-the-manufacturer safe handling procedures.

b) Exterior Maintenance.

The land within 25 feet of any magazine shall be kept clear of rubbish, brush, dried grass, leaves, dead trees, and all live trees less than ten feet high.

c) Interior Repairs.

When magazines need interior repairs, all explosive materials shall be removed therefrom and the floors cleaned before and after making repairs.

d) Exterior Repairs.

In making exterior magazine repairs, when there is a possibility of causing sparks or fire, all explosive materials shall first be removed from the magazine.

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e) Storage During Repair.

Explosive materials removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine, where they shall be properly guarded and protected until repairs have been completed. In determining safe distance, the type and extent of repair and the potential for production of spark or flame shall be considered, but in no event shall the distance be less than that specified in the American Table of Distances and the Separation Distance of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents. Upon completion of repairs, the explosive materials shall be properly returned to the magazine.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

Section 200.806 Records of Transactions - Licensees and Certificate Holders

d a) The requirements of this Section shall not apply to any license or storage certificate holder who is a holder of a license or permit issued by BATF and who satisfies the recordkeeping requirements for transactions of explosive materials prescribed by BATF.

a b) Every A licensee or holder of a storage certificate shall maintain a record of each transaction in which explosive materials are sold, purchased or otherwise transferred. The record shall be made on a sales slip, delivery ticket, invoice, BATF transaction record form, or other document and shall include:

- 1) the name and address of the seller or person from whom the explosive materials were procured;
- 2) the name, address and license or certificate number (with expiration date) of the purchaser or person to whom the explosive materials were delivered;
- 3) the date of purchase or delivery; and
- 4) the quantity and description of the explosive materials.

b c) In the case of a licensee the transaction record shall be kept with the explosive materials and shall be produced by the licensee upon request.

e d) Records of transactions for each license or certificate shall be kept and maintained for a minimum of one year from the date of the transaction.

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(Source: Amended at Ill. Reg. _____, effective _____)

Section 200.APPENDIX B Table of Separation Distances for Low Explosives

POUNDS		DISTANCES IN FEET		
OVER	NOT OVER	FROM INHABITED BUILDING	FROM PUBLIC RAILROAD AND HIGHWAY	FROM ABOVE-GROUND MAGAZINE
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

(Source: Added at Ill. Reg. _____, effective _____)

1) The Heading of the Part: The Illinois Oil and Gas Act

2) Code Citation: 62 Ill. Adm. Code 240

- 3) Section Number:
- | | |
|----------|-------------------------|
| 240.10 | <u>Proposed Action:</u> |
| 240.500 | Amended |
| 240.510 | New Section |
| 240.520 | Repealed, New Section |
| 240.530 | Repealed, New Section |
| 240.540 | Repealed, New Section |
| 240.550 | New Section |
| 240.610 | New Section |
| 240.630 | Amended |
| 240.640 | Amended |
| 240.710 | Amended |
| 240.760 | Amended |
| 240.780 | Amended |
| 240.1110 | Amended |
| 240.1130 | Amended |
| 240.1150 | Amended |
| 240.1160 | Repealed, New Section |
| 240.1170 | Amended |
| 240.1180 | Repealed |
| 240.1430 | Amended |
| 240.1450 | Amended |
| 240.1460 | Amended |

4) Statutory Authority: Implemented and authorized by Section 6 of The Illinois Oil and Gas Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 5409)

5) A complete description of the subjects and issues involved:

Amendments to Subpart A (Section 240.10) add definitions of terms used in revisions to Part 240 and strike obsolete definitions.

Amendments to Subpart E (Sections 240.500 through 240.550) specify requirements for drilling and completing wells including the handling, storage and disposal of wastes generated during drilling and completion activities.

Amendments to Subparts F and G (Section 240.610, 240.640, 240.710, 240.760 and 240.780) specify alternative surface casing procedures for production wells and injection wells respectively, and provide for giving notice of various activities to newly established District Offices in lieu of the well inspector. Amendments to Subpart G (Section 240.760(c)) also clarify the requirements for conducting Mechanical Integrity Tests (MIT's) on previously untested Class II UIC wells at the rate of 20% per

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year during the 5 year testing period ending September 1, 1995.

Amendments to Subpart K (Sections 240.1110, 240.1130, 240.1150, 240.1160, 240.1170 and 240.1180) define plugging fluid wastes and set forth requirements for their handling, storage and disposal during plugging and well site restoration operations. Other amendments to this Subpart clarify the conducting of annual fluid level tests on temporarily abandoned wells, modify requirements for setting mechanical bridge plugs, provide that temporary abandonment for Class II UIC wells cannot be extended unless a mechanical integrity test is performed, and require plugs to be placed opposite uncased intervals that have produced or into which injection is occurring.

Amendments to Subpart N (Sections 240.1430, 240.1450 and 240.1460) clarify that transfers include all wells on a lease, and provide for notice and hearing if an interested person contests a permit transfer action by the Department.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments may be submitted within 45 days of the publication of this notice to:

John C. Lynch, General Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on April 20, 1992. Comments received thereafter will not be

considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: February 25, 1992

B) Types of small businesses affected: All well operators employing less than fifty people and having less than four million dollars in annual sales.

C) Reporting, bookkeeping or other procedures required for compliance:
None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 240

THE ILLINOIS OIL AND GAS ACT

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Definitions
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SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

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Applicability
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Issuance of Permit
Underground Injection and Disposal Projects (Recodified)
Change of Well Location
Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
Duration of Underground Injection Well Orders (Repealed)

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AUTHORITY: Implementing and authorized by Sections 6 and 8a of "The Illinois Oil and Gas Act" (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 5409 and 5413).

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January

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31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991 for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 111. Reg. _____, effective _____.

(NOTE: Capitalization denotes statutory language.)

SUBPART A: GENERAL PROVISIONS

Section 240.10 Definitions

"Annular or casing injection/disposal well"--means a well into which fluids are injected between the surface casing and the well bore, the surface casing and the production casing, and/or the production casing and the tubing, or a well into which fluids are injected which does not have production casing, tubing and packer.

"Cement"--means all petroleum industry cements meeting the requirements set forth in "Specifications for Oil Well Cements and Cement Additives", API Standard 10A, January, 1974, published by the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005 (this incorporation does not include any later publications or editions), except as provided in Subpart K of these rules.

"Class II UIC well"-- means a well into which fluids are injected:

Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with wastewaters from gas plants which are an integral part of production operations unless those waters are classified as a hazardous waste at the time of injection;

For enhanced recovery of oil or natural gas; and

For storage of hydrocarbons which are liquid at standard temperature and pressure.

"Convert"--means to change an oil, gas, Class II UIC, water supply, observation or gas storage well to another of those types of wells, requiring the issuance of a new permit.

"DEPARTMENT"--MEANS THE DEPARTMENT OF MINES AND MINERALS OF THE STATE OF ILLINOIS.

"development"--means any work or operation--on or appurtenant to the oil--and gas--leasehold--premises;--which actively--looks toward--the drilling of wells for oil or gas; or the discovery of or bringing-in production;

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"Directional Drilling"--means the controlled directional drilling when the bottom of the well bore is directed away from the vertical position.

"Disposal Well"--means a Class II UIC well into which fluids brought to the surface in connection with oil or natural gas production are injected for purposes other than enhanced oil recovery.

"Enhanced Oil Recovery Injection Well"--MEANS ANY SECONDARY OR TERTIARY RECOVERY METHOD USED IN AN EFFORT TO RECOVER HYDROCARBONS FROM A POOL BY INJECTION OF FLUIDS, GASES OR OTHER SUBSTANCES TO MAINTAIN, RESTORE OR AUGMENT NATURAL RESERVOIR ENERGY, OR BY INTRODUCING GASES, CHEMICALS, OTHER SUBSTANCES OR HEAT OR BY IN-SITU COMBUSTION, OR BY ANY COMBINATION THEREOF. (Ill. Rev. Stat. 1989, Ch. 96 1/2, par. 5401)

"Enhanced Oil Recovery Injection Well"--means a Class II UIC well used for enhanced oil recovery.

"Flowline"--means all injection, produced water and oil flow lines located within the boundaries of a lease or unit, or gathering lines between leases to a centralized storage area, or to the point where the lines connect with a primary transportation pipeline.

"Fresh Water"--means surface and subsurface water in its natural state useful for drinking water for human consumption, domestic livestock, irrigation, industrial, municipal and recreational purposes, and which will support aquatic life and contains less than 10,000 mg/liter total dissolved solids.

"General Oilfield Waste"--means paper, trash, oily rags, chemical containers, oil filters and gaskets, used motor oil, hydraulic fluids, diesel fuels and other similar wastes generated during completion, production and plugging activities.

"Liquid Oilfield Waste"--means OILFIELD BRINES, TANK AND PIT BOTTOM SEDIMENTS, AND DRILLING AND COMPLETION FLUIDS, TO THE EXTENT THOSE WASTES ARE NOW OR HEREAFTER EXEMPT FROM THE PROVISIONS OF SUBTITLE C OF THE FEDERAL RESOURCE CONSERVATION RECOVERY ACT OF 1976.

"Liquid Oilfield Waste Hauler"--means a person holding a permit to operate a liquid oilfield waste transportation system.

"ORPHAN WELL"--MEANS A WELL FOR WHICH: (1) NO FEE ASSESSMENT UNDER SECTION 19.7 OF THIS ACT HAS BEEN PAID OR NO OTHER BOND COVERAGE HAS BEEN PROVIDED FOR 2 CONSECUTIVE YEARS; (2) NO OIL OR GAS HAS BEEN PRODUCED FROM THE WELL OR FROM THE LEASE OR UNIT ON WHICH THE

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WELL IS LOCATED FOR 2 CONSECUTIVE YEARS; AND (3) NO PERMITTEE OR OWNER CAN BE IDENTIFIED OR LOCATED BY THE DEPARTMENT. ORPHANED WELLS INCLUDE WELLS THAT MAY HAVE BEEN DRILLED FOR PURPOSES OTHER THAN THOSE FOR WHICH A PERMIT IS REQUIRED UNDER THIS ACT IF THE WELL IS A CONDUIT FOR OIL OR SALT WATER INTRUSIONS INTO FRESH WATER ZONES OR ONTO THE SURFACE WHICH MAY BE CAUSED BY OIL AND GAS OPERATIONS.

"Permit"--means the Department's written authorization allowing a well or test hole to be drilled, deepened, converted and/or operated.

"Permittee"--means the person or entity holding the permit and listed on the bond as principal.

"Produced Water"--means water regardless of chloride and TDS content which is produced in conjunction with oil and/or gas natural production and natural gas storage operations.

"Production Casing"--means the string of casing placed in a well and used for the purpose of isolating the production or injection formation.

"Repressure"--means to increase the reservoir pressure by the introduction of gas, air or water or other fluid into the reservoir.

"Rotary Drilling"--means the hydraulic process of drilling a well for oil or gas as such method is commonly used in the industry.

"Shooting"--means the exploding of nitroglycerin or other high explosives in a well hole for the purpose of increasing the production of oil or gas.

"Tank"--means a tank-or-other--receptacle vessel into which oil or water is gathered, produced or stored.

"The Act"--means the provisions of the Illinois Oil and Gas Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 5401 et seq.).

"Undeveloped Limits of a Mine"--means that portion of a mine where the entries have not been driven to the boundaries of the mine property.

"Vacuum"--means pressure which is reduced below the pressure of the atmosphere.

"Waste-liquids"--means-oil-field--brines--cut-oil--bottom-sediments--concentrated-sulphur-water-and-acid-waters-

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"Well"--means any drill hole required to be permitted under subsection (2) of Section 6 or Section 12 of the Act.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

SUBPART E: WELL DRILLING AND GASING-PROCEDURES
COMPLETION REQUIREMENTS

Sec. 240.500 Definitions

For the purpose of this Subpart the term:

"Completion Fluids" means liquids that are used to complete a well including saltwater, crude oil, frac fluids, acids and other treatment chemicals.

"Completion Fluid Waste" means completion fluids that are generated from the well during completion activities.

"Drilling Fluid" means any medium used in the drilling of a well such as water, oil based or water based drilling muds, and air or air foam mixtures.

(Source: Added at ___ Ill. Reg. ___, effective ___)

Section 240.510 Rotary-Drilling-Procedure-(Repealed) Department Permit Posted During well drilling, deepening or conversion operations a copy of the permit shall be kept at the well site.

(Source: Section repealed, new Section added at ___ Ill. Reg. ___, effective ___)

Section 240.520 Cable-Tool-Drilling-Rules-(Repealed) Drilling Fluid Handling and Storage

a) Cable Tool or Air Rotary Drilling

When drilling with cable tools or air rotary equipment the permittee shall provide at least one (1) sediment pit or above ground container into which drill cuttings shall be deposited.

b) Rotary Drilling with Mud

When drilling with rotary drilling equipment using drilling mud, the permittee shall provide at least one (1) sediment pit or above

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ground, portable container into which drill cuttings shall be deposited, and one (1) mud circulation pit or leak free, above ground container.

c) Drilling Pits

1) Pits used for drill cuttings and drilling muds shall be constructed with sufficient capacity to contain all drilling fluids within the pits, and maintained in a manner that reasonably prevents against overflow during drilling operations.

2) Sediment pits and mud circulation pits shall be used only for the temporary storage of drill cuttings and drilling muds, and shall not be used for the disposal of general oilfield wastes.

(Source: Section repealed, new Section added at ___ Ill. Reg. ___, effective ___)

Section 240.530 Slush--and-Mud--Pits Completion Fluid and Completion Fluid Waste Handling and Storage

When-drilling--with-cable-tools--the-operator-shall-provide-at-least-(1)-one properly-prepared-slush-pit--into-which-he-must-deposit-mud--and-cuttings. When-drilling-with-rotary-tools--the-operator-shall-provide-the-necessary-mud circulation-and-reserve-pits:

a) Completion Fluid Handling and Storage Prior to Use Completion fluids temporarily stored at the well site for use in completion activities shall be stored in a lined completion pit or leak free, above ground container.

b) Completion Fluid Waste Handling and Storage Completion fluid wastes generated from the well during completion activities shall be collected at the well site in a completion pit, or leak free, above ground container.

c) Completion Pits

1) Pits used for completion fluids and completion fluid wastes shall be constructed with sufficient capacity to contain the fluids within the pits, and maintained in a manner that reasonably prevents against overflow during completion activities.

2) The sediment pit used during drilling operations may be used for the collection of completion fluid wastes during completion activities. If the sediment pit is used as a

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completion pit, drill cuttings shall first be removed and a dike constructed to prevent completion fluid wastes from entering the mud circulation pit.

3) Completion pits used to store completion fluids prior to use in the well shall be lined with a liner at least 30 mils in thickness.

4) Completion pits shall be used only for the temporary storage of completion fluids and completion fluid wastes in accordance with the requirements of this subsection, and shall not be used for the disposal of general oilfield wastes.

(Source: Section repealed, new Section added at Ill. Reg. _____, effective _____)

Sec. 240.540 Drilling and Completion Pit Restoration

a) Sediment and mud circulation pits, except sediment pits used as completion pits, shall be filled and leveled within six (6) months after drilling ceases. Drill cuttings and drilling muds may be disposed of by on-site burial or surface application.

b) Completion pits shall be filled and leveled within six (6) months after completion activities cease. All completion fluid wastes shall be removed from the pit and disposed of in a Class II Injection well (or in above ground tanks or containers pending disposal) prior to restoration.

c) All drilling and completion pits shall be filled and leveled in a manner that allows the site to be returned to original use with no subsidence or leakage of fluids, and where applicable, with sufficient compaction to support farm machinery.

(Source: Added at Ill. Reg. _____, effective _____)

Sec. 240.550 Disposal of General Oilfield Wastes

All general oilfield wastes generated during drilling and completion activities shall be temporarily stored in on-site containers, and shall be removed from the site at the conclusion of drilling or completion activity. General oilfield wastes shall not be disposed of through on-site burial or in drilling or completion pits.

(Source: Added at Ill. Reg. _____, effective _____)

Section 240.610 Construction Requirements for Production Wells

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a) Surface Casing Requirements for Wells Drilled After the Effective Date of this Section

1) Steel surface casing shall be set to a depth of at least one hundred (100) feet, or fifty (50) feet below the base of the fresh water, whichever is deeper.

2) Surface casing shall be set under the supervision of a Department Well Inspector and the permittee shall give at least twenty-four (24) hours notice to the Well Inspector Office for the District in which the well is located prior to setting the surface casing.

3) Surface casing shall be cemented in place by circulating cement behind the surface casing from the setting depth of the casing to the surface.

4) The cement shall be allowed to set in place until it has developed sufficient strength to allow drilling to resume, but no less than four (4) hours.

5) In lieu of surface casing:--The permittee, upon request and approval from the Department before drilling commences, may utilize one of the following alternatives surface casing procedures: circulate--cement--to--the--surface--behind--the production casing--in--determining--whether--to--approve--the request--the--Department--will--evaluate--the--depth--of--the--well, the--depth--of--the--fresh--water--and--the--cementing--procedures--if approved--the--production--casing--must--be--cemented--under--the supervision--of--a--Department--Well--Inspector--

A) If the unconsolidated material is less than 25 feet thick, no surface casing is required but a cement basket shall be set 50 feet below the base of the freshwater and the production casing either cemented to surface from total depth, or cemented from the cement basket to surface together with the required cement on the bottom of the production casing as specified in subsection (b).

B) If the unconsolidated material is greater than 25 feet thick, surface casing is required to be set to the top of the bedrock, a cement basket shall be set 50 feet below the base of the freshwater and the production casing shall be either cemented to surface from total depth, or cemented from the cement basket to surface together with the required cement on the bottom of the production casing as specified in subsection (b) below.

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C) For wells in which the total depth is less than 250 feet below the base of the freshwater, no surface casing or cement basket is required, but the production casing shall be cemented from total depth to surface.

b) Production Casing Requirements for Wells Drilled After the Effective Date of this Section.
Production casing shall be set and cemented in place by circulating cement behind the production casing from the setting depth of the casing to a minimum of two hundred fifty (250) feet above the shallowest producing interval. The casing shall be set no higher than fifty (50) feet above the top of the uppermost producing interval in an open hole completion.

c) Production Casing Requirements for Existing Wells

1) For all existing wells without production casing:

A) If surface casing was previously set, production casing shall be set and cemented a minimum of two hundred fifty (250) feet in accordance with subsection (b) above.

B) If surface casing was not previously set, production casing shall be set and cemented to surface in accordance with subsection (a)(5) above.

2) Wells drilled prior to the effective date of this Section that contain drive pipe without cement behind the drive pipe will require no further cementing work.

d) Tubing and Packer in Flowing Wells

All wells flowing as a result of an enhanced oil recovery project shall be produced through tubing and packer. The packer shall be set within two hundred (200) feet of the top of the producing interval and within the cemented portion of the production casing.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 240.630 Operating Requirements

a) The wellhead shall be maintained in a leak-free condition.

b) All spills of seawater produced water or oil occurring at the well-site due to a leaking wellhead shall be cleaned up in accordance with Subparts-H-and I.

c) Wells that have not produced for more than two (2) years shall be

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temporarily abandoned or plugged in accordance with Subpart K.

d) Casinghead gas, produced in conjunction with oil production, that is not collected for use or sale, shall be flared unless the Department approves an exemption from this requirement. In determining whether to approve an exemption, the Department shall consider the quantity of casinghead gas produced, the topographical and climatological features at the well site, and the proximity of agricultural structures and crops, inhabited structures, public buildings, and public roads and railways.

e) If Hydrogen Sulfide gas (H₂S) is present in excess of 20 ppm within five (5) feet in any direction of from the wellhead or the end of the flare line, the Department shall specify measures to be taken by the permittee to protect against waste and injury to the public health and safety, which may include the erection of flare lines, the posting of warning signs, and the erection of fencing. The Department may also require the setting of a temporary mechanical or cement plug during any period of time in which the well is not producing or during any period of time necessary to effectuate safety measures. In specifying the measures to be taken by the permittee, the Department shall consider the quantities of H₂S being emitted, the topographical and climatological features at the well site and the proximity of inhabited structures, public buildings, and public roads and railways.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 240.640 Reporting Requirements

a) Well Completion Reports

1) Contents

The Well Completion Report shall be completed on a form prescribed by the Department and shall contain:

- A) the name and location of the well;
- B) information on the construction of the well;
- C) information on the producing zones and the type of completion treatment performed on each zone; and
- D) initial production rates.

2) Newly drilled wells

A Well Completion Report shall be submitted to the Department within thirty (30) days after the conclusion of initial

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completion activities (i.e., production testing or date of first production).

- 3) Existing wells.
 - A Well Completion Report shall be completed and submitted to the Department for each workover or recompletion of any existing production well which results in a change of the original well construction or zone of production. The Well Completion Report shall be submitted within thirty (30) days after the completion of any such workover or recompletion activity.
- 4) Non-productive Wells (Dry Holes)
 - A Well Completion Report shall be completed and submitted to the Department for each non-productive well or "dry hole". The Well Completion Report shall be submitted within thirty (30) days after attempted completion of the non-productive well.
- b) Well Drilling Report
 - 1) For all wells drilled or deepened after the effective date of this Section, a Well Drilling Report shall be completed by the permittee on a form prescribed by the Department.
 - 2) The Well Drilling Report shall be submitted to the State Geological Survey in Champaign, Illinois within 90 days after drilling ceases and shall contain:
 - A) the name and location of the well;
 - B) drilling information;
 - C) the geologic names and depths of the formations encountered in drilling the well;
 - D) the results of all drill stem tests; and
 - E) a copy of the drilling time or geograph record if a geophysical log was not run unless the well was drilled with air rotary tools.
 - 3) A Well Drilling Report is not required for well conversion not entailing deepening of the well.
- c) Geophysical Logs
 - A copy of all wire line or geophysical logs run on a well shall be submitted to the State Geological Survey within 90 days after drilling ceases.

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d) Drill Cuttings

- 1) Notification and Collection of Drill Cuttings
The Department shall notify the permittee when cuttings are required to be collected. Drill cuttings shall be collected for each run drilled in cable tool wells and each ten feet (10') of distance drilled in rotary or air drilled wells. The permittee shall obtain containers for the cuttings, and deliver the cuttings to the Illinois State Geological Survey in Champaign, Illinois.
 - 2) When Drill Cuttings Required
The Department will require drill cuttings for a newly permitted well when drill cuttings have not previously been submitted for any well within one-half (1/2) mile of the newly permitted well. If the newly permitted well is drilled to a depth greater than any other well within one-half (1/2) mile for which drill cuttings were submitted, drill cuttings will be required only from the lowest depth previously submitted to the total depth of the newly permitted well.
- (Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 240.710 Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells Drilled After the Effective Date of this Section

a) Surface Casing

- 1) Steel surface casing shall be set to a depth of at least one hundred (100) feet, or fifty (50) feet below the base of the fresh water zone, whichever is deeper.
- 2) Surface casing shall be set under the supervision of a Department Well Inspector and the permittee shall give at least twenty-four (24) hours notice to the Well-Inspector Office for the District in which the well is located prior to setting the surface casing.
- 3) Surface casing shall be cemented in place by circulating cement behind the surface casing from the setting depth of the casing to the surface.
- 4) The cement shall be allowed to set in place until it has developed sufficient strength to allow drilling to resume, but no less than four (4) hours.

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5) in lieu of surface casing, the permittee, upon request and approval from the Department before drilling commences, may utilize one of the following alternative surface casing procedures: circulate cement to the surface behind the production casing; in determining whether to approve the request, the Department will evaluate the depth of the well; the depth of the fresh water and the cementing procedures; if approved, the production casing must be cemented under the supervision of a Department Well Inspector.

A) If the unconsolidated material is less than 25 feet thick, no surface casing is required but a cement basket shall be set 50 feet below the base of the freshwater and the production casing either cemented to surface from total depth, or cemented from the cement basket to surface together with the required cement on the bottom of the production casing as specified in subsection (b).

B) If the unconsolidated material is greater than 25 feet thick, surface casing is required to be set to the top of the bedrock, a cement basket shall be set 50 feet below the base of the freshwater and the production casing shall be either cemented to surface from total depth, or cemented from the cement basket to surface together with the required cement on the bottom of the production casing as specified in subsection (b).

C) For wells in which the total depth is less than 250 feet below the base of the freshwater, no surface casing or cement basket is required, but the production casing shall be cemented from total depth to surface.

b) Production Casing

Production casing shall be set and cemented in place by circulating cement behind the production casing from the setting depth of the casing to a minimum of two hundred fifty (250) feet above the shallowest permitted injection interval. The casing shall be set no higher than fifty (50) feet above the top of the uppermost permitted injection interval in an open hole completion.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 240.760 Internal Mechanical Integrity Testing for Class II UIC Wells

a) The permittee shall contact the Office Well-Inspector for the District county in which the well is located at least twenty-four (24) hours prior to the initial setting or any resetting of the

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packer in a Class II UIC well to enable an the inspector to be present when the packer is set. Setting of the packer must be reported on a form prescribed by the Department.

b) An internal mechanical integrity test shall be performed; in the presence of a Well-Inspector.

1) prior to initial injection into a newly permitted Class II UIC well;

2) prior to initial injection into a Class II UIC well after a change to a new, permitted injection zone;

3) prior to resuming injection into any Class II UIC well after any work over of the well involving the resetting or movement of a packer;

4) prior to initial injection into a Class II UIC well after the well has been reactivated from temporary abandonment status;

5) whenever the Department has reason to believe, based upon well records or field observation, and subject to the provisions of Sections 240.140, 240.150 and 240.170 of this Part, that the Class II UIC well may be leaking or improperly constructed; and

6) at least once every five (5) years measured from the date of the last successful test.

The permittee shall contact the Office Well-Inspector for the District county in which the well is located at least 24 hours prior to conducting an internal mechanical integrity test except when the Department schedules the test under Subsection (b)(5) above. If the Department authorizes the permittee to conduct an internal mechanical integrity test without the presence of a well inspector, the permittee shall report the test results on a form prescribed by the Department.

c) All Class II UIC wells not subjected to an internal mechanical integrity pressure test as of September 1, 1990 the effective date of this Section shall be tested by September 1, 1995, unless temporarily abandoned in accordance with Section 240.1130 within 5 years of the effective date of this Section. During the first four (4) years, each permittee shall conduct an internal mechanical integrity test each year commencing September 1 on at least 20% of the permittee's total Class II UIC wells of record as of September 1 as reported to each permittee by the Department. During the fifth year each permittee shall conduct an internal mechanical integrity test on all remaining untested Class II UIC wells that are of record

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September 1, 1994 or are acquired during the year ending September 1, 1995. Class II UIC wells sold or acquired during the first four years shall not affect the total number of wells from which the 20% testing requirement is derived for that year. Wells tested during the year in which they are transferred shall count toward the 20% testing requirement of the permittee who conducted the test. Class II UIC wells temporarily abandoned, converted to production wells or plugged in accordance with the provisions of Subpart K during any year shall count toward the 20% testing requirement.

d) Internal Mechanical Integrity (Part I):

The following pressure test shall be performed on Class II UIC Wells to establish the internal mechanical integrity of the tubing, casing and packer of the well.

1) Pressure Test

The casing-tubing annulus above the packer shall be tested under the supervision of the Department at a minimum pressure differential between the tubing and the annulus of 50 PSIG for a period of 30 minutes. In addition, the casing-tubing annulus starting test pressure shall not be less than 300 PSIG and may vary no more than five (5) percent of the starting test pressure during the test. The well may be operating or shut in during the test.

2) Monitoring Test

For those wells which are structurally unable to withstand the pressure test specified in subsection (d)(1) above because the packer would unseat, but not because the well is improperly constructed, the permittee may make application to perform a monitoring test in lieu of the pressure test on forms prescribed by the Department. An approved monitoring test will consist of pressuring the annulus to a specified pressure no less than 50 PSIG and monitoring the positive annular pressure over a specified period of time. In determining whether to approve a monitoring test, and in establishing the test parameters (i.e., positive annulus pressure, tubing injection pressure, injection rate, monitoring method and length and frequency of monitoring), the Department shall consider well construction including:

- A) the volume of the casing-tubing annulus;
- B) depth of packer;
- C) pressure below the packer; and
- D) type of tubing and packer.

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- e) Any Class II UIC well which fails an internal mechanical integrity test, or on which an internal mechanical integrity test has not been performed when required by subsection (c) above, shall be shut in until the well is plugged or until remedial work is commenced and completed and an internal mechanical integrity test is successfully completed. If the necessary work has not been completed and an internal mechanical integrity test successfully completed within ninety (90) days (or within any greater length of time established by the Department due to weather conditions), the well shall be temporarily abandoned in accordance with Section 240.1130(d) of this Part.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 240.780 Reporting Requirements for Class II UIC Wells

a) Well Completion Reports

1) Contents

The Well Completion Report shall be completed on a form prescribed by the Department and shall contain:

- A) the name and location of the well;
- B) information on the construction of the well;
- C) information on the injection zones and the type of completion treatment performed on each zone; and
- D) injection rates and pressures.

2) Newly drilled or converted wells

A Well Completion Report shall be submitted to the Department within thirty (30) days after the conclusion of initial completion activities (i.e., setting of tubing and packer).

3) Existing wells

A Well Completion Report shall be completed and submitted to the Department for each workover or recompletion of any existing injection well. A workover or recompletion includes resetting the packer, remedial cementing, setting a casing liner, and recompletion into an injection zone not previously used for injection in the well. The Well Completion Report shall be submitted within thirty (30) days after the completion of any such workover or recompletion activity.

b) Well Drilling Report

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1) For all wells drilled or deepened after the effective date of this Section, a Well Drilling Report shall be completed by the permittee on a form prescribed by the Department.

2) The Well Drilling Report shall be submitted to the State Geological Survey within 90 days after drilling ceases and shall contain:

- A) the name and location of the well;
- B) drilling information;
- C) the geologic names and depths of the formations encountered in drilling the well;
- D) the results of all drill stem tests; and
- E) a copy of the drilling time or geograph record if a geophysical log was not run, unless the well is drilled with air rotary tools.

3) Well Drilling Reports are not required for well conversions not entailing a deepening of the well.

c) Geophysical Logs

A copy of all wire line or geophysical logs run on the well shall be submitted to the State Geological Survey within 90 days after drilling ceases, or in the case of a conversion, after the completion of conversion activities.

d) Drill Cuttings

1) Notification and Collection of Drill Cuttings

The Department shall notify the permittee when cuttings are required to be collected. Drill cuttings shall be collected for each run drilled in cable tool wells and each ten (10) feet of distance drilled in rotary or air drilled wells. The permittee shall obtain containers for the cuttings, and deliver the cuttings to the Illinois State Geological Survey in Champaign, Illinois.

2) When Drill Cuttings Required

Drill cuttings shall be submitted for each well when drill cuttings have not previously been submitted from any well within one-half (1/2) mile of the newly permitted well. If the newly permitted well is drilled to a depth greater than any other well within one-half (1/2) mile, drill cuttings shall be

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requested from the approximate previously submitted depth to the total depth in the newly permitted well.

e)

Annual Well Status Report

The permittee of each Class II UIC well shall file an Annual Well Status Report on forms prescribed by the Department. The report shall be filed by May 1 of each year for the preceding calendar year, and shall include:

- 1) the name and location of the well;
- 2) the names of all injection intervals;
- 3) the setting depth of the packer; and
- 4) the average monthly injection rates and pressures.

f) Annual Enhanced Oil Recovery Project Report

The operator of an enhanced oil recovery project shall complete an annual project report on forms prescribed by the Department, and submit the report to the State Geological Survey by May 1 of each year.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 240.1110 Definitions

For the purpose of this Subpart the term:

"Cased Well" means a well in which production casing has been set.

"Cement" means a class A neat cement with a minimum weight of fifteen and six tenths (15.6) pounds per gallon, unless the cement contains additives which improve the ability of the cement to provide necessary protection and which maintains a minimum compressive strength of 500 PSI after 24 72 hours.

"Circulation Method" means placement of cement used in plugging a well by circulating cement through a pipe set at a specified depth in the well.

"Dump Bailer Method" means placement of cement used in plugging a well by using a dump bailer on a wire line.

"Mechanical Plug" means a cast iron bridge plug or drillable or retrievable plug.

"Mud" means a drilling mud with a minimum Marsh Funnel viscosity of

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forty-five (45) seconds. Mud may contain water (fresh or brine), Bentonite, Attapulgite or other additives if they do not reduce the viscosity below forty-five (45) seconds.

"Plugging Fluid Waste" means plugging fluids, including cement, that are generated from the well during plugging activities.

"Uncased Well" means a well in which production casing has not been set.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 240.1130 Plugging or Temporary Abandonment of Abandoned or Inactive Wells

- a) Any production well which has ceased operation for a period of twenty four (24) months as of or after the effective date of this part shall be plugged in accordance with Section 240.1140 of this Part unless the well has been temporarily abandoned in accordance with subsection (d) below.
- b) Any Class II UIC well(s) without tubing and packer shall be plugged in accordance with Section 240.1140 of this Part unless the well has been temporarily abandoned in accordance with subsection (d) below.
- c) All Class II UIC well(s) equipped with tubing and packer shall be tested in accordance with Section 240-655 240.760 of this Part or temporarily abandoned in accordance with subsection (d) below.
- d) The permittee may request temporary abandonment status by making written application on forms provided by the Department. The Department shall place the well on temporary abandonment status if the well meets the following conditions (which shall be continuing requirements):
 - 1) The well shall have proper bond in effect.
 - 2) The well shall have an intact, leak free wellhead or be capped with a valve, and configured to monitor casing or annular pressure.
 - 3) If the well is an injection well, all injection lines shall be disconnected at the well.
 - 4) The wellhead shall be above ground level.
 - 5) The fluid level is no higher than one hundred (100) feet below

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the base of the fresh water zones as evidenced by an annual fluid level test conducted by the permittee after notice to and under the supervision of the Department, using acoustical or wire line measuring methods. If the Department authorizes the permittee to conduct an annual fluid level test without the presence of a well inspector, the permittee shall report the annual fluid level test on a form prescribed by the Department. The fluid level test shall be conducted ~~reported to the~~ Department annually during the period of temporary abandonment, unless the permittee elects to satisfy the requirements of subsection (6)(B) or (C) below.

- 6) If the fluid level, as tested, is higher than one hundred (100) feet below the base of the fresh water zones, the permittee, under the supervision of the Department, shall:
 - A) set a mechanical bridge plug within 100 200 feet above the perforated or open hole interval in the cemented portion of the casing, but no less than 100 feet below the base of the fresh water, remove any fluid to a level at least 100 feet below the base of the fresh water zone, and monitor the fluid level annually in accordance with subsection (5) above; or
 - B) set a mechanical bridge plug within 100 200 feet above the perforated or open hole interval in the cemented portion of the casing, but no less than 100 feet below the base of the fresh water, and pressure test the casing by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes at least once every five (5) years during any period of temporary abandonment; or
 - C) install tubing and set a packer in accordance with the requirements of Section 240.740, ~~above the perforated or open hole interval in the cemented portion of the casing and conduct and pass an internal mechanical integrity test in accordance with Section 240-655 240.760 of this Part.~~

- e) Temporary abandonment status shall be granted for a five (5) year period. After the expiration of the five (5) year period, temporary abandonment status shall be granted on an annual basis. Temporary abandonment status shall not be extended or renewed for a Class II UIC well unless the well is tested in accordance with Section 240.760 of this Part.

- f) A temporarily abandoned well shall not be operated until it is reactivated by notifying the Department on a form prescribed by the

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Department. In addition, if the well is an injection or disposal well, the well shall not be reactivated until tubing and packer is set and an internal mechanical integrity test is passed in accordance with Section 240-655 240.760 of this Part.

using either the circulation or dump bailer method.

- c) Coal plugs - A plug shall be placed across each workable coal seam in accordance with Section 240.1151 of this Part.
- d) Surface Plug - Surface casing shall not be pulled from any well and a cement plug shall be placed across the fresh water zones using either the circulation or dump bailer method as follows:

(Source: Amended at Ill. Reg. _____, effective _____)

Section 240.1150 Specific Plugging Procedures

a) Circulation of Cement

Cement may be circulated from total depth or plugged back total depth to surface in lieu of the placing of plugs specified in subsection (b), (c) and (d) below, provided both the workable coal and the fresh water zones have been protected by cement in direct contact with both strata.

b) Producing Interval Plug

1) Cased Wells

- A) When using the Circulation Method, a cement plug shall be placed opposite each perforated interval, and each interval that is exposed after removal of production casing which has produced oil or gas or into which injection is occurring within 1/4 mile radius of the well, and extend fifty (50) feet below the deepest perforated interval, total depth, or plugged back total depth, and extend to fifty (50) feet above the shallowest perforated interval or fifty (50) feet above the open hole interval.

- B) When using the Dump Bailer Method, a mechanical plug shall be set immediately above each perforated interval, and each interval that is exposed after removal of production casing which has produced oil or gas or into which injection is occurring within 1/4 mile radius of the well, and a minimum of ten (10) feet of cement placed on top of each mechanical plug.

2) Uncased Wells

Wells shall be filled with mud before commencement of plugging operations and a cement plug shall be placed opposite any exposed interval which has produced oil or gas or into which injection is occurring within 1/4 mile radius of the well. The cement plug shall extend from 50 feet below the exposed zone to fifty (50) feet above the zone. The cement plug may be placed

1) Wells with surface casing

- A) If surface casing extends fifty (50) feet below the fresh water zones with cement circulated to the surface, a cement plug shall be placed in direct physical contact with the strata and surface casing from twenty five (25) feet below the setting depth of the surface casing and extend to the surface. If production casing is left in the hole and there is no cement behind the production casing, cement shall be placed inside and outside of the production casing from twenty five (25) feet below the setting depth of the surface casing and extend to the surface. Cement shall be placed outside of the production casing by perforating the casing 25 feet below the setting depth of the surface casing and squeezing cement behind the production casing to the surface, or by inserting tubing down the backside of the production casing to a depth of 25 feet below the setting depth of the surface casing and circulating cement to the surface.

- B) If surface casing does not extend fifty (50) feet below the base of the fresh water zone, a continuous cement plug shall be placed in direct physical contact with strata from a depth of fifty (50) feet below the base of the fresh water zone to the surface. If production casing is left in the hole and there is no cement behind the production casing, cement shall be placed inside and outside of the production casing from fifty (50) feet below the base of the fresh water zone and extend to the surface. Cement shall be placed outside of the production casing by perforating the casing 50 feet below the base of the fresh water zone and squeezing cement behind the production casing to the surface, or by inserting tubing down the backside of the production casing to a depth of 50 feet below the base of the fresh water and circulating cement to the surface.

- 2) Wells without a surface casing - A cement plug shall be placed from a depth of fifty (50) feet below the base of the fresh

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water zones to the surface.

e) Plugging Requirements for Wells with Uncemented Casings.

When the Department determines that the plugging procedures set forth in this Section cannot be followed due to well construction and the lack of cement behind the casings, the Department will authorize the following alternative plugging procedures:

- 1) the production casings shall be removed from a point at least fifty (50) feet below the base of the fresh water, the hole filled with mud, and a Surface Plug set in accordance with subsection (d) above;
- 2) if the production casings cannot be removed to a depth at least fifty (50) feet below the base of the fresh water, all casings contained within the outermost casing shall be removed to a depth at least fifty (50) feet below the base of the fresh water, and the outermost casing in direct contact with the borehole wall shall be perforated, ripped or parted at an interval 50 feet below the base of the fresh water to permit cement to infiltrate the annulus between the casing and the borehole wall. The hole shall be filled with mud, the perforated, ripped or parted interval shall be squeezed with cement, and a Surface Plug must be set in accordance with subsection (d) above.
- 3) if the well cannot retain mud because the producing interval takes fluid, the producing interval shall be covered with sand, crushed rock or other similar material to provide an anchor on which to place the column of mud, and the hole shall be filled with mud and a surface plug set in accordance with subsections (e)(1) or (2) above.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 240.1160 Converting--to-Water-Well--(Repeated) Plugging Fluid Handling and Storage

- a) When plugging a well, the permittee shall provide at least one (1) pit or leak free, above ground, portable container into which plugging fluid wastes shall be deposited.
- b) Plugging pits shall be constructed with sufficient capacity to contain all plugging fluid wastes within the pits, and maintained in a manner that reasonably prevents against overflow during plugging operations. Plugging pits shall be used only for the temporary storage of plugging fluid wastes, and shall not be used for the

disposal of general oilfield wastes.

- c) All general oilfield wastes generated during plugging activities shall be temporarily stored in on-site containers, and shall be removed from the site at the conclusion of plugging activity. General oilfield wastes shall not be disposed of through on-site burial or in plugging pits.

(Source: Section repealed, new Section added at Ill. Reg. _____, effective _____)

Section 240.1170 Plugging Fluid Waste Disposal and Well Site Restoration

Within six (6) months after a well is plugged: the well-site shall be cleared of

- a) The free liquid fraction of the plugging fluid waste, consisting of produced water and crude oil, shall be removed from the pit and disposed of in a Class II Injection well (or in above ground tanks or containers pending disposal) prior to restoration. The remaining plugging fluid wastes shall be disposed of by on-site burial.
- b) All plugging pits shall be filled and leveled in a manner that allows the site to be returned to original use with no subsidence or leakage of fluids, and where applicable, with sufficient compaction to support farm machinery.
- c) All drilling and production equipment, waste-oil, rock or concrete bases, machinery, and oil-field equipment debris shall be removed from the site.
- d) Casing shall be cut off at least four (4) feet below the surface of the ground, and a steel plate welded on the casing or a mushroomed cap of cement approximately one (1) foot in thickness shall be placed over the casing so that the top of the cap is at least three (3) feet below ground level.
- e) Any drilling rat holes shall be filled with cement to no lower than four (4) feet and no higher than three (3) feet below ground level.
- f) The well site and all excavations, holes and pits shall be filled and the surface leveled to original grade.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 240.1180 Lease Restoration (Repealed)

Within six--(6)--months--after--the--last--well--on--a--lease--has--been--plugged--all

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~~excavations and pits--shall be filled and leveled to original grade--Subject to an existing right-of-way--tank batteries and other production equipment, rock and concrete pads--oil field debris, injection and flow lines at or above the surface--and electric power lines--and poles extending on or above the surface, shall be removed--Containment dikes shall be removed if constructed with other than soil and leveled to original grade~~

(Source: Repealed at Ill. Reg. _____, effective _____)

Section 240.1430 Responsibilities of Current Permittee

The current permittee shall notify the Department of the assignment, transfer or sale, on a form prescribed by the Department. A separate form shall be completed for each lease or other unit assigned, transferred or sold. The notification shall be signed, under penalty of perjury, by the current permittee and by the new permittee, or their authorized representatives, and shall include:

- a) the names and addresses of the current permittee and the new permittee;
- b) the effective date of assignment, transfer or sale;
- c) copies of the lease assignment or other documents evidencing the assignment, transfer or sale to the new permittee of the right to drill and operate the well or wells on the lands in question;
- d) the name, location, and permit number of each well all wells on the lease or other unit assigned, transferred or sold for which a permit has been issued; and
- e) the location of any wells on the lease or other unit assigned, transferred or sold known to the current permittee for which no permit has previously been issued.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 240.1450 Authority of Persons Signing Notification

- a) The notification shall be signed by the current permittee and the new permittee, or by individuals authorized to sign for them.
- b) If the current permittee or new permittee is an individual, the notification shall be signed by the individual. If the current permittee or new permittee is a partnership, the notification shall be signed by a general partner. If the current permittee or new permittee is a corporation, the notification shall be signed by an officer of the corporation.

- c) In lieu of the signatures of the current and new permittees or such authorized persons, the notification may be signed by a person having a power of attorney to sign for a permittee or authorized person, provided a certified copy of the power of attorney is on file with the Department or accompanies the notification.

- d) The new permittee may also submit a court order or other documents evidencing his ownership of the lease or unit to be transferred in the event that the current permittee cannot be located or refuses to sign the notification of transfer form.

- e) The current permittee may also submit a court order or other documents evidencing his transfer of the ownership of the lease or unit in the event the new permittee refuses to sign the notification of transfer form.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 240.1460 Other Conditions for and Effect of Transfer

- a) No permit shall be transferred to a new permittee:
 - 1) who is delinquent in the payment of fees assessed under Section 19.7 of the Act;
 - 2) on account of whom any amounts have been obligated from the Plugging and Restoration Fund that have not been reimbursed; or
 - 3) against whom the Department has issued a final administrative decision that has not been abated or satisfied.
- b) When the requirements of this Subpart have been satisfied, and subject to subsections (d) and (e) below, the Department shall transfer, and, where applicable issue, the permits for all wells on the lease or other unit assigned, transferred or sold to the new permittee who shall become responsible for all regulatory requirements relative to the well all wells on the lease or other unit.
- c) If any well, or any lease or other unit associated with the well, is in violation of the Act or rules at the time of the transfer to the new permittee, the transfer shall be conditioned upon the abatement of the violation within the time specified by the Department.
- d) The transfer of a permit pursuant to this Subpart shall not affect the rights of the Department, or any obligation or duty of the current permittee arising under the Act and rules. Any cause of

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action accruing or any action or proceeding had or commenced, whether administrative, civil or criminal, may be instituted or continued without regard to the transfer of the permit in accordance with this Subpart.

e) A current or new permittee may request a hearing to challenge a permit transfer if such hearing is requested in writing within fifteen (15) days after the permit transfer is mailed. If no hearing is requested in this time period, the permit transfer shall be a final administrative decision of the Department. If a hearing is requested by the current or new permittee, the hearing shall be held within fifteen (15) days of the receipt of the request for hearing.

f) At the permit transfer hearing, the Department shall present evidence in support of its determination under subsection (b) above. Both the current and the new permittee may present evidence contesting the Department's determination under subsection (b) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.

g) Within thirty (30) days after the close of the record for the permit transfer hearing, the hearing officer shall issue recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.

(Source: Amended at Ill. Reg. _____, effective _____)

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1) The Heading of the Part: Surface Installation Health and Safety

2) Code Citation: 62 Ill. Adm. Code 220

3) Section Number: 220.190
Proposed Action: Amend

4) Statutory Authority: Implementing Section 2.12 and 38.2 of The Coal Mining Act (Ill. Rev. Stat. 1989, Ch. 96 1/2, pars. 312, 3802)

5) A complete description of the subjects and issues involved:

This proposed rulemaking conforms Subsection (v) of Section 220.190, to changes enacted in P.A. 85-1333, effective August 31, 1988, reducing the number of examinations required to be given by the Miners' Examining Board.

The proposed rulemaking also adds a new subsection (bb) to the Department's coal mining health and safety rules governing slope and shaft sinking, authorizing the issuance of temporary certificates for shaft-slope examiners and supervisors. The proposed subsection is identical to a longstanding Department rule filed and adopted under the Illinois Administrative Procedures Act May 7, 1979, that was apparently inadvertently omitted during subsequent codification of the Department's rules.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The amendments do not create or enlarge a mandate under Section 3 of the State Mandates Act, (Ill. Rev. Stat. 1989, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments may be submitted within 45 days of the publication of this notice to:

John C. Lynch, General Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
Springfield, IL 62791-0137

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Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on April 20, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: February 25, 1992
- B) Types of small businesses affected: Any Illinois Coal Mine satisfying the definition of small business.
- C) Reporting, bookkeeping or other procedures required for compliance:
None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 220

SURFACE INSTALLATION HEALTH AND SAFETY

Section

220.10	Introduction and Definitions
220.20	Surface Installations
220.30	Thermal Dryers
220.40	Safeguard for Mechanical Equipment
220.50	Electrical Equipment--General
220.60	Trailing Cables
220.70	Grounding
220.80	Surface High-Voltage Distribution
220.90	Low and Medium-Voltage Alternating Current Circuits
220.100	Ground Control
220.110	Fire Protection
220.120	Mine Maps
220.130	Explosives and Blasting
220.140	Man Hoisting
220.150	Auger Mining
220.160	Loading and Haulage
220.170	Miscellaneous
220.180	Trolley Wires and Trolley Feeder Wires
220.190	Slope and Shaft Sinking
220.200	Surface Bathing Facilities, Change Rooms and Sanitary Flush Toilet Facilities at Surface Coal Mines
220.210	Sanitary Toilet Facilities at Surface Coal Mines
220.220	Drinking Water
220.230	Health and Safety Rules Applicable to Underground Coal Mines

AUTHORITY: Implementing and authorized by Section 2.12 of the Coal Mining Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 312).

SOURCE: Filed October 27, 1976, effective November 27, 1976; emergency amendment at 2 Ill. Reg. 19, p. 147, effective May 3, 1978, for a maximum of 150 days; emergency amendments at 2 Ill. Reg. 19, p. 216, effective May 5, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 20, p. 142, effective May 17, 1979; amended at 4 Ill. Reg. 48, p. 220, effective December 17, 1980; amended at 7 Ill. Reg. 6491, effective May 9, 1983; emergency amendments at 7 Ill. Reg. 12895, effective September 20, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 8915; amended at 8 Ill. Reg. 12313, effective July 5, 1984; amended at 10 Ill. Reg. 224, effective February 7, 1986; amended at 10 Ill. Reg. 8104, effective June 15, 1986; amended at 13 Ill. Reg. 5955, effective April 18, 1989; amended at 13 Ill. Reg. 13220, effective August 7, 1989; corrected at 13 Ill. Reg. 13907;

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amended at ____ Ill. Reg. ____, effective ____.

Section 220.190 Slope and Shaft Sinking

- a) Slopes and Shafts; approval of plans.
Each operator of a coal mine shall comply with Subpart T, Section 77.1900 of the Code of Federal Regulations, Title 30-Mineral Resources, and any amendments, additions, and alterations which may be made with respect to any Section of such subpart at any time subsequent to the filing of these Surface Installation Health and Safety Rules (62 Ill. Adm. Code 220), in preparing any slope and shaft sinking plan, and a copy of such approved plan shall be furnished to the Illinois Department of Mines and Minerals for the approval of the Mining Board.
- b) Compliance with approved slope and shaft sinking plans.
Upon approval by the Mining Board of a slope or shaft sinking plan, the operator shall adopt and comply with same.
- c) Preshift and onshift inspections; reports.
 - 1) Examinations of slope and shaft areas shall be made by a certified shaft-slope examiner for hazardous conditions, including tests for methane and oxygen deficiency:
 - A) Within ninety (90) minutes before each shift;
 - B) At least once (1) on any shift during which men are employed inside any slope or shaft; and
 - C) Both before and after blasting.
 - 2) The surface area surrounding each slope and shaft shall be inspected by a certified person and all hazards in the vicinity shall be corrected before men are permitted to enter the excavation.
 - 3) All hazards found during any preshift or onshift inspection shall be corrected before men are allowed to enter, or continue to work in such slope or shaft, except those persons necessary to correct those hazards. If hazardous conditions cannot be corrected, or excessive methane concentrations cannot be diluted, the excavation shall be vacated and no person shall be permitted to reenter the slope or shaft to continue excavation operation until the hazardous condition has been corrected.
 - 4) No work shall be performed in any slope or shaft, no drilling equipment shall be started, and no electrical equipment shall

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be energized if the methane content in such slope or shaft is 1.0 volume per centum, or more.

- 5) Nothing in this Section shall prevent the specific assignment of persons in the slope or shaft for purpose of abating excessive methane concentrations or any other hazardous condition.
- 6) The results of all inspections conducted in accordance with this Section shall be recorded daily in a book approved by the Department of Mines and Minerals, and shall be signed by the person making the inspection and shall be countersigned after each examination by a certified shaft-slope supervisor.
- d) Methane and oxygen deficiency tests; approved devices.
Tests for oxygen deficiency shall be made with a permissible flame safety lamp or other means approved by the Department of Mines and Minerals, and tests for methane shall be made with a methane detector approved by the Department of Mines and Minerals, or a flame safety lamp.
- e) Diesel powered equipment.
The use of diesel powered equipment underground in shaft and slope sinking operations shall be prohibited. This regulation shall prevail until a final determination has been made by qualified doctors and scientists that there are no injurious effects on workmen engaged in duties requiring the use of diesel powered equipment in slopes and shafts, and until such time that facts of the study currently being jointly conducted by the National Institute for Occupational Health and Safety and the Mining Enforcement and Safety Administration of the United States Department of the Interior are conclusive. At the time when such studies are completed and conclusive with regard to the potential of such injurious effects on workmen, the Mining Board shall reconsider the advisability of the use of such equipment.
- f) Hoists and hoisting; minimum requirements; requirement of compliance with existing statutes and rules.
 - 1) Hoists shall include all hoisting equipment used in the transportation of persons and materials in shaft or slopes. All Federal and state statutes and rules applicable to the hoisting operations shall remain in force and shall be complied with.
 - 2) Hoists employed in transporting persons and material in any slope or shaft shall have rated capacities consistent with the loads to be handled and the recommended safety factors of the

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ropes used in such hoists. The rated capacity shall be posted within view of the hoist operator.

- 3) The American National Standards Institute, "Specification for the Use of Wire Ropes for Mines," M11.1-1960, shall apply in the use, selection, installation, and maintenance of wire ropes. The following static load safety factors shall be used for selecting ropes to be used on hoists and for determining when such ropes shall be removed from hoists:

Length of rope in shaft (feet)	Minimum factor of safety (new rope)	Minimum factor of safety (remove)
500 or less	8	6.4
500 to 1,000	7	5.8
1,000 to 2,000	6	5.0
2,000 to 3,000	5	4.3
3,001 or more	4	3.6

- 4) Each hoist employed in drilling, mucking, or other excavating operations shall be equipped with an accurate and reliable indicator of the position of the cage, platform, or bucket, which shall be installed in clear view of the hoist operator.

- 5) Hoist drive units shall be protected from the weather, and the mechanism that operates the brakes shall be guarded to prevent material or tools from accidentally fouling or jamming the brake system.

- g) Communications between shaft and slope bottoms and hoist operations.

- 1) There shall be at least two (2) effective methods of signaling approved by representatives of the Department of Mines and Minerals, one of which shall be audible to the hoistman at all times. The signaling system in use shall effectively notify all persons in all work areas of the shaft or slope being developed wherever any equipment is moving up or down the slope or shaft. Signal codes used shall be posted conspicuously at the entrance to the slope or shaft, in the working areas of each slope or shaft, and in clear view of the hoistman. Only those persons designated by the operator shall be authorized to operate the signal system in the slope or shaft and all persons in the slope or shaft shall be made aware of who is in charge of signaling the hoistman at all times.

- 2) Signaling systems used for communication between slopes and shafts and the hoistman shall be tested daily.

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- h) Hoist safeguards; general.

- 1) Hoists used to transport persons shall be equipped with brakes capable of stopping and holding the cage, bucket, platform, or other device when fully loaded. Such brakes shall be operated by the hoistman immediately prior to transporting persons. Conveyances shall not be lowered by the brakes alone, except in an emergency.

- 2) When persons are transported by a hoist or by the hoisting operation a second person familiar with and qualified to stop the hoist shall be in direct and constant attendance, except where the hoist is fully equipped with overspeed, overwind, and automatic stop devices.

- 3) Overwind devices shall be designed and installed to automatically stop the cage, bucket, or platform before it contacts the head sheave or other positive stopping obstacles under all conditions. Overwind devices shall be tested at the time of installation and prior to initial use by raising the cage, bucket, or platform at maximum speed until the overwind device is actuated.

- i) Hoists; inspection.

- 1) Hoists used to transport persons shall be inspected daily, and each such inspection shall include examination of the headgear (headframe, sheave wheels, etc.), ropes, connections, links and chains, signaling systems, and other facilities.

- 2) Prior to each working shift and before a hoist is returned to service after it has been out of normal service for any reason, it shall be operated by the hoistman through one (1) complete cycle of operation before any persons or materials are permitted to be transported.

- 3) The results of all inspections conducted in accordance with this section shall be recorded after each inspection in a book approved by the Department of Mines and Minerals, and shall be signed by a person making the inspection and shall be signed or countersigned daily by a certified shaft-slope supervisor required by this Section of this Act.

- j) Hoist construction; general.

- 1) Hoisting ropes shall be equipped with a spelter-filled socket, wedge socket, or thimble with an adequate number of clamps

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properly spaced and installed along the rope.

- 2) Slope cars when used for transporting persons shall be provided with two (2) bridle chains or cables connected securely to the rope at least three (3) feet above the socket or at least three (3) feet above the last rope clip if a thimble is used and which shall be securely fastened to the slope car when transporting persons or material.
- 3) Where hooks are used to attach cages or buckets to the socket or thimble of a hoisting rope, they shall be self-closing.
- 4) Hoisting ropes shall contain at least three (3) full turns on the hoist drum when the rope is extended to its maximum working length. At least one (1) full turn of the hoist rope shall be placed around the drum shaft or around the spoke of a free drum and both shall be fastened securely by means of clamps.
- 5) Platforms used for transporting persons shall be equipped with a leveling indicator on the work deck. The platform shall be maintained in a level position at all times except when moving the platform. Self-dumping cages, platforms, or other devices used for transporting persons shall have a locking device to prevent tilting when persons are transported.
- 6) All suspended work decks in shafts shall be of such construction to prevent overturning in the event of failure of one (1) of the suspension cables.

k) Hoist installations; use.

- 1) Where persons are transported by means of a hoist and the depth of the shaft exceeds fifty (50) feet, the hoist rope shall be suspended from a substantial hoisting installation which shall be high enough to provide working clearance between the bottom of the sheave and the top of the rope attachment to the conveyance.
- 2) Where persons are transported by means of a hoist and the depth of the shaft exceeds one hundred (100) feet, temporary shaft guides and guide attachments shall be installed to prevent the cage, platform, or bucket from swinging unless the State Mining Board approves other means which will provide no less than the same degree of protection to the miners.
- 3) Except for purpose of examination, all guides and guide attachments installed in accordance with paragraph (k)(2) of this Section, shall be maintained to a depth of not less than

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seventy-five (75) feet from the working area where men are present.

- 4) Where crossheads are used, the cage, platform, or bucket shall not be hung more than ten (10) feet below the crosshead.
- 5) Where men are required to embark or disembark over or within a shaft, a loading platform shall be installed to insure safe footing.
- 6) During the development of each slope or shaft, either a ladder or independently powered auxiliary hoist shall be provided to permit persons to escape quickly in the event of an emergency. At all times where men are on the bottom there shall be a means of access from the shaft bottom to the work deck other than the hoist. A chain ladder for this purpose will be acceptable.
- 7) No person shall be permitted to ride the rim of any bucket or on the top of a loaded bucket.
- 8) The maximum number of persons permitted to ride the conveyance at one time shall be posted conspicuously at the point of entrance to the shaft or slope and on the conveyance.
- 9) Persons shall not be permitted to ride on a cage, skip, or bucket with tools or materials, except when necessary to handle equipment while in transit. Materials shall be secured to prevent shifting while being hoisted.
- 10) The speed of buckets transporting persons shall not exceed five hundred (500) feet per minute and not more than two hundred (200) feet per minute when within one hundred (100) feet of any stop; and less if required by a representative of the Department of Mines and Minerals.
- 11) A notice of established speeds shall be posted in clear view of the hoistman.
- 12) Conveyances being lowered in a shaft in which persons are working shall be stopped at least fifteen (15) feet above such persons and shall be lowered further only after the hoistman has received a signal that all persons who may be endangered by the conveyance are in the clear.
- 13) No skip or bucket shall be raised or lowered in a slope or shaft until it has been trimmed to prevent material from falling back down the slope or shaft.

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- 14) Measures shall be taken to prevent material from falling back into the shaft while buckets or other conveyances are being unloaded.
- 15) Properly attached safety belts shall be worn by all persons required to work in or over any shaft where there is a drop of ten (10) or more feet, unless other acceptable means are provided to prevent such persons from falling into the shaft.

1) Hoist operator; qualified hoistman.

- 1) Hoists shall be under the control of and operated by a person possessing a certificate of competency as hoist operator issued in accordance with Article 7 of the Illinois Coal Mining Act of 1953 as amended when persons are being transported or are in a slope or shaft. On each shift where persons are employed below the surface, there shall be an additional person so certified present to operate the hoist in case of an emergency.
- 2) While mines are under construction and a crane or other similar mechanical contrivance is used as a means of raising or lowering men, the operator of such is required to be certified as a hoisting engineer (crane).
- 3) While mines are under construction, hoisting engineers shall not leave their station while persons are underground unless relieved by another hoisting engineer. Any malfunction in the hoist shall be communicated to all employees underground immediately.

m) Explosives and blasting; use of permissible explosives.

Only permissible explosives as defined in Article 20 of the Illinois Coal Mining Act of 1953 as amended shall be used in sinking shafts and slopes.

- n) Use of nonpermissible explosives: approved by the Department of Mines and Minerals.
When the Department of Mines and Minerals has determined that the use of nonpermissible explosives will not pose a hazard to any person during the development of a slope or shaft, he may, after written application by the operator, approve the use of such explosives and issue a permit setting forth the safeguards to be employed by the operator to protect the health and safety of any person exposed to such blasting.

o) Uses of nonpermissible shot-firing device.

A shot firing device approved by the Department of Mines and Minerals may be used providing all persons are removed to a safe

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location on the surface prior to the connection of the shooting cable to the blasting device.

p) Explosives and blasting; general.

- 1) Light and power circuits shall be disconnected or removed from the blasting area before charging and blasting.
- 2) All explosive materials, detonators, and any other related blasting material employed in the development of any slope or shaft shall be stored, transported, carried, charged, and fired in accordance with the provisions of Articles 20 and 28 of the Illinois Coal Mining Act of 1953 as amended, and all shots shall be fired from the surface.
- 3) All persons shall be removed from the slope or shaft prior to blasting.
- 4) Blasting areas in slopes or shafts shall be covered with mats or other suitable material when the excavation is too shallow to retain blasted material.
- 5) Where it is impracticable to prepare primers in the blasting area, only the number of primers needed for one (1) round of shots shall be prepared and remain on the surface in an isolated area under the control of a person qualified to perform such work, designated by the operator. The primers shall be carried into the shaft or slope in specially constructed, insulated, covered containers by such a qualified person designated by the operator.
- 6) No other development operation shall be conducted in a shaft or at the face of a slope while drill holes are being charged and until after all shots have been fired.
- 7) The sides of the slope or shaft between the overhead platform and the bottom where persons are working shall be examined after each blast and loose material removed.
- 8) Loose rock and other material shall be removed from timbers and platforms after each blast before persons are lowered to the shaft bottom.
- 9) In cases where explosives are underground and drill holes are being charged, all work shall be suspended and all persons removed from the shaft or slope upon the approach and presence of an electrical storm and persons shall not return until such danger has passed.

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q) Ventilation of slopes and shafts.

- 1) All slopes and shafts shall be ventilated by mechanical ventilation equipment during development. Such equipment shall be examined before each shift. The quantity of air in the slope or shaft shall be measured each shift by a certified slope-shaft examiner, and the results of such examinations and measurements shall be recorded in a book approved by the Department of Mines and Minerals and shall be signed by the person making the examinations and measurements, and countersigned daily by a certified shaft-slope supervisor.

2) Ventilation fans shall be:

- A) Installed on the surface;
- B) Installed in noncombustible housing;
- C) Designed to permit the reversal of the air current, and located in an area which will prevent a recirculation of air from the slope or shaft or air contamination from any other source;
- D) Equipped with an automatic signal device designed to give an alarm in the event the fan slows or stops which can be seen or heard by any person on duty in the vicinity of the fan, except where fans are constantly attended;
- E) Offset not less than fifteen (15) feet from the shaft or slope; and
- F) Equipped with air ducts which are noncombustible and maintained so as to prevent excessive leakage of air:
 - i) Flexible ducts shall be constructed to permit ventilation by either exhausting or blowing methods and when metal air ducts are used; they shall be grounded effectively to remove static and other electrical charges; and
 - ii) Ducts shall extend as close to the bottom as necessary to keep the face clear of dangerous and noxious gases. Face as used in this Section is where excavating is progressing or was last done.
- 3) A qualified person, designated by the operator, shall be assigned to maintain each ventilating system.

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- 4) The fan shall be operated a sufficient amount of time to clear the air prior to entering the underground area of a shaft or slope by any person and shall be operated continuously when persons are below the surface. Any accidental stoppage or reduction in air flow shall be corrected immediately; development work below the surface shall be stopped, all persons not needed to make necessary corrections to the ventilation system shall be removed to the surface within fifteen (15) minutes of the time the fan stopped or there was a reduction in the air flow, and all persons shall not return to the shaft or slope until an examination has been made by a certified shaft-slope examiner and declared safe.

r) Ladders and stairways.

- 1) Substantial stairways or ladders shall be used during the construction of all shafts where no mechanical means are provided for persons to travel.
- 2) Landings at intervals of not more than thirty (30) feet shall be installed.
- 3) Shaft ladders shall project three (3) feet above the collar of the shaft, and shall be placed at least three (3) inches from the side of the shaft.
- s) Electrical Equipment.
 - 1) Electric equipment employed below the collar of a slope or shaft shall be permissible and shall be maintained in a permissible condition in accordance with the provisions of the Illinois Coal Mining Act of 1953, as amended and these rules.
 - 2) The insulation of all electric conductors employed below the collar of any slope or shaft shall be of the flame-resistant type.
 - 3) Only permissible lamps, portable flood-lights, and lighting equipment approved by the U.S. Bureau of Mines under Part 19, Part 20 and Part 26 of Chapter 1 (Bureau of Mines Schedules 6D, 10C, and 29A) or those listed by Underwriter's Laboratories, Inc., for use in hazardous locations, shall be employed below the collar of any slope or shaft.
- t) Storage and handling of combustible materials.
 - 1) Liquified and nonliquified compressed gas cylinders, oil,

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gasoline, and other petroleum products shall not be stored within one hundred (100) feet of any slope or shaft opening.

2) Other combustible material and supplies shall not be stored within twenty-five (25) feet of any slope, shaft opening, or fan.

3) Pyritic slates, bony coal, culm, or other material capable of spontaneous combustion shall not be used for fill or as surfacing material within one hundred (100) feet of any slope or shaft opening.

4) Areas surrounding the opening of each slope or shaft shall be constructed to insure the drainage of flammable liquids away from the slope or shaft in the event of spillage.

5) Oily rags, wastes, waste paper, and other combustible material disposed of within or in the vicinity of any slope or shaft opening shall be stored in closed, noncombustible containers until removed from the area.

u) Welding, cutting, and soldering; fire protection.

1) One (1) portable fire extinguisher shall be provided where welding, cutting, or soldering with arc or flame is performed.

2) Welding, cutting, or soldering with arc or flame within or in the vicinity of any slope or shaft, except where such operations are performed in fireproof enclosures, shall be done under the supervision of a qualified person who shall make a diligent search within or in the vicinity of the slope or shaft for fire during and after such operations.

3) Before welding, cutting, or soldering is performed in any slope or shaft designed to penetrate into any coal bed below the surface, an examination for methane shall be made by a person qualified to conduct such examination with a device approved by the Department of Mines and Minerals for detecting methane. Examinations for methane shall be made immediately before and periodically during welding, cutting, or soldering and such work shall not be permitted to commence or continue in air which contains 1.0 volume per centum or more of methane.

4) Noncombustible barriers shall be installed below welding, cutting, or soldering operations in or over a shaft.

v) Certificate of Competency; shaft-slope workers.

1) Effective on and after May 1, 1978, no person shall be employed or engaged underground at a shaft, slope or underground construction operation without having first obtained a Certificate of Competency from the Miners' Examining Board as a Shaft-Slope Worker. A person seeking a Certificate of Competency as Shaft-Slope Worker must produce evidence satisfactory to the Miners' Examining Board that he has had at least six (6) months of experience working in shaft and slope construction; and within six (6) months after becoming eligible he shall appear before the Miners' Examining Board and pass an examination as to his knowledge in the handling and use of explosives, and shall have completed a course in first aid to the injured and in mine rescue methods and in shaft ventilation; except that any such certified shaft-slope worker may have up to three (3) persons working with him and under his direction as apprentices, for the purpose of learning the business of shaft, slope, and underground construction and becoming qualified to obtain Certificates of Competency.

2) The Miners' Examining Board shall hold an examination once in each calendar month, in at least twelve (12) places located most conveniently with reference to the districts in which coal is mined in the State of Illinois so that all persons in such district or in this State, or who may wish to come into this State for the purpose of engaging in mining may be examined as to their competency and qualifications. Public notice of the examinations shall be given through the press or otherwise in the discretion of the Miners' Examining Board, not less than seven (7) days in advance of such meeting, which notice shall fix the time and place at which any examination under this Act is to be held. THE MINERS' EXAMINING BOARD SHALL HOLD AN EXAMINATION ONCE IN EACH CALENDAR MONTH, AND AT SUCH OTHER TIMES AND AT SUCH PLACES AS THE DIRECTOR MAY DESIGNATE. THE DIRECTOR SHALL ENDEAVOR TO SCHEDULE EXAMINATIONS AT PLACES LOCATED MOST CONVENIENTLY WITH REFERENCE TO THE DISTRICTS IN WHICH COAL IS MINED IN THE STATE OF ILLINOIS SO THAT ALL PERSONS IN SUCH DISTRICT OR IN THIS STATE, OR WHO MAY WISH TO COME INTO THIS STATE FOR THE PURPOSE OF ENGAGING IN MINING MAY BE EXAMINED AS TO THEIR COMPETENCY AND QUALIFICATIONS. PUBLIC NOTICE OF THE EXAMINATIONS SHALL BE GIVEN THROUGH THE PRESS OR OTHERWISE NO LESS THAN 7 DAYS IN ADVANCE OF SUCH MEETING, WHICH NOTICE SHALL FIX THE TIME AND PLACE AT WHICH ANY EXAMINATION UNDER THIS ACT IS TO BE HELD. ILL. REV. STAT. 1989, CH. 96 1/2, PAR. 806.

3) Each applicant for the certificate provided for in this Section shall receive his certificate upon satisfactorily passing the examination, without payment of fees, except that a fee of two

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dollars (\$2.00) shall be paid to the Department for additional copies of certificates.

- w) Certificate of Competency; shaft-slope examiners. Effective on and after May 1, 1978, no person shall be employed or engaged as a Shaft-Slope Examiner without having first obtained a Certificate of Competency as a Shaft-Slope Examiner from the Mining Board. Each applicant for a Certificate of Competency as a Shaft-Slope Examiner shall produce evidence satisfactory to the Mining Board that he is of good repute, temperate habits and that he has had at least two (2) years of shaft, slope or underground construction experience. He shall pass an examination as to his experience in underground construction. He shall pass an examination as to his experience in underground construction generating dangerous gases, his practical and technological knowledge of the nature and properties of fire damp, the laws of ventilation, the structures and use of safety lamps, and the laws of this State relating to safeguards against fires from any source in underground construction. He shall also submit to the Mining Board satisfactory evidence that he has completed a course of training in first aid to the injured. Persons who hold undergraduate degrees in Civil or Mining Engineering from an accredited school, college, or university or, who have graduated from and hold degrees in a mining engineering program approved by the Mining Board are required to have one (1) year of underground experience in shaft, slope, and underground construction to qualify for the examination for a Certificate of Competency as a Shaft-Slope Examiner.

- x) Shaft-Slope Examiners; duties and responsibilities. The Mining Board may designate functions to be performed by certified shaft-slope examiners in addition to those already assigned to such examiners by these rules.

- y) Certificate of competency; shaft-slope supervisor. Effective on and after May 1, 1978, it shall be unlawful for the operator of any shaft, slope, or underground construction operation to have in his service any person that directs the supervisory personnel each shift who does not hold a Certificate of Competency from the Mining Board as a Shaft-Slope Supervisor. Each applicant for a Certificate of Competency as a Shaft-Slope Supervisor shall produce evidence satisfactory to the Mining Board, that he either has had at least three (3) years practical underground experience in shaft, slope, or underground construction, or that he holds an undergraduate degree from an accredited school, college, or university in Civil or Mining Engineering or that he has graduated from and holds a degree in mining engineering program approved by the Mining Board and has eighteen (18) months experience in shaft, slope, and underground construction; that he has satisfactorily

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completed a course in instruction in first aid to the injured prescribed by the Department; and that he is a man of good repute and temperate habits. He shall also pass such examinations as to his experience in shaft and slope sinking, underground construction, the management of men, his knowledge of shaft and slope construction, machinery and appliances, the properties of mine gases, the principles of ventilation, the legal duties and responsibilities of Shaft-Slope Supervisor, and has acquired a Certificate of Competency as a Shaft-Slope Examiner as prescribed by the rules.

- z) Shaft-Slope Supervisor; duties and responsibilities.

A Shaft-Slope Supervisor must be present in the shaft and slope work areas at all times when work is in progress. The Mining Board may designate functions to be performed by the Shaft-Slope Supervisor in addition to those already assigned to such supervisors by these rules.

- aa) Applicability of Certifications of Mine Managers, Mine Examiners, and Miners to Shaft and Slope Functions. Any person who holds a Certificate of Competency from the Mining Board as Mine Manager or Mine Examiner, or who holds a Certificate of Competency from the Miners' Examining Board as a Miner may be permitted to perform the functions of a Shaft-Slope Supervisor, Shaft-Slope Examiner, or Shaft-Slope Worker respectively, if such certificate holder is approved for such shaft-slope functions by the Department. Such certificate holders may perform such functions only until such time as the next examination for certification in the particular category is given.

- bb) Temporary Certificate of Competency as Shaft-Slope Examiner or Shaft-Slope Supervisor.

Upon request by the State Mine Inspector of the district, the Mining Board may issue a Temporary Certificate of Competency as Shaft-Slope Examiner or Shaft-Slope Supervisor to any person having the knowledge and time requirements set forth in subsection (w) and (y) above. This temporary certificate will be valid only until the first available examination or six months, whichever is shorter. The Mining Board may issue an extension of Temporary Certificates of Competency as a Shaft-Slope Supervisor only to those persons who take and pass the next Shaft-Slope Examiner examinations following the date of their original temporary certification.

- cc) Application of the Coal Mining Act of 1953 as amended.

All the provisions of the Illinois Coal Mining Act of 1953 as amended where applicable shall apply to shaft, slope, and underground construction.

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cc dd) Certificate of competency-hoisting engineer (crane).

1) In any mine under construction where a crane or other similar mechanical contrivance is used as a means of raising or lowering persons, for operation of which equipment an electrical hoisting engineer certificate is not required under Section 7.02 of the Act, the Mining Board may grant a certificate to operate such equipment to any person recommended to the Mining Board by the State Mine Inspector of the district. The applicant for such permit shall have filed with the Mining Board satisfactory evidence that the applicant has had at least one (1) year of experience in operating a crane or device of the type to be certified and understands the handling and care of the same. Such application shall be accompanied by statements under oath from at least three (3) persons who are mine managers, examiners, or miners certified by the Board, who affirm from their personal knowledge of the applicant that the applicant is a person of good repute and personal habits, and that the applicant has, from their observation and in the judgment, a good knowledge of an experience in handling devices of the type for which certification is sought.

2) Such certificate shall apply only to the mine and device(s) for which it is issued, and shall be valid for a period not to exceed one (1) year, except such certificate may be renewed by the Mining Board from year to year if the person holding same requests renewal, and certifies by sworn statement, affirmed by the State Mine Inspector of the District, that the circumstances and conditions relating to the holder's competency are the same as when the certificate was originally issued, and that the person holding same has operated the equipment for which he or she was certified satisfactorily during the prior term of the certificate.

3) Requests for renewal of certificates shall be submitted to the Board at least thirty (30) days in advance of expiration.

4) It shall be a violation of this Section for any person to operate hoisting equipment described in paragraph (cc)(1) hereof, to raise or lower men in mines under construction without current, valid certificate of the Board. This Section does not apply to operations expressly exempt from certification under Section 7.03 or subject to Section 7.04 of the Act.

5) A certificate issued hereunder is subject to revocation at any time if the holder fails to exercise due care or attention to

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duty or otherwise does not have the qualifications to hold the certificate. A certificate is subject to temporary suspension by a mine inspector if, in the judgement of mine inspector, such suspension is required or advisable to assure the health and safety of any person. In the event of such suspension, the holder is entitled to a prompt hearing by the Board. The Board may revoke a certificate after notice and hearing as provided by Board rules.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Proposed Action:
 - 112.70 Amendment
 - 112.71 Amendment
 - 112.72 Amendment
 - 112.74 Amendment
 - 112.78 Amendment
 - 112.79 Amendment
 - 112.82 Amendment
- 4) Statutory Authority: Sections 9-6, 9-6.02 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 9-6, 9-6.02 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking makes the following changes in the Department's Project Chance Program:
 - 1) clarifies that individuals will seek employment upon completion of education and/or training;
 - 2) states that the Department will decide categories of individuals who can participate in Project Chance based upon cost;
 - 3) provides that non-exempt individuals who are mandated to participate can be sanctioned for not attending orientation or assessment;
 - 4) states the order of groups to be mandated when necessary to mandate;
 - 5) adds the sub-minimum training wage in definition of suitable employment;
 - 6) adds that individuals must participate 20 hours each week unless special circumstance prevents 20 hours of participation;
 - 7) clarifies when reassessments must take place;
 - 8) modifies component approval criteria;

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- 9) increases employer contacts for the 40-hour work assignment in the Work Experience Component from 5 to 10 per month;
 - 10) adds additional stipulations to the displacement/grievance Section;
 - 11) requires individuals to maintain a "C" average in the education components;
 - 12) provides that clients may be required to make a co-payment for Transitional Child Care;
 - 13) provides that Project Chance pays participants transportation and lodging for state certification examinations;
 - 14) adds part-time employment to the list of initial employment expenses; and
 - 15) creates the Unemployed Parent Work Experience Component for AFDC-U registrants including assignment to the component, participation requirements, work experience positions and displacement grievance procedures.
- 6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No
 - 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
 - 8) Do these Proposed Amendments contain incorporations by reference? No
 - 9) Are there any other Proposed Amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|---|
| 112.110 | Amendment | November 15, 1991
(15 Ill. Reg. 16596) |
| 112.115 | Amendment | December 20, 1991
(15 Ill. Reg. 18062) |
| 112.300 | Amendment | December 13, 1991
(15 Ill. Reg. 17886) |

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Section
 112.83 Young Parents Program
 112.84 Work Experience Evaluation Project
 112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section
 112.86 Project Advance
 112.87 Project Advance Experimental and Control Groups
 112.88 Project Advance Participation Requirements of
 Experimental Group Members and Adjudicated Fathers
 Project Advance Cooperation Requirements of
 Experimental Group Members and Adjudicated Fathers
 Project Advance Sanctions
 112.90 Good Cause for Failure to Comply with Project Advance
 112.91 Individuals Exempt From Project Advance
 112.93 Project Advance Supportive Services
 112.95

SUBPART F: EXCHANGE PROGRAM

Section
 112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.100 Unearned Income
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 112.105 Budgeting Unearned Income
 112.106 Budgeting Unearned Income of Applicants Employed On
 Date of Application And/Or Date Of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Earmarked Income
 112.127 Lump Sum Payments
 112.128 Protected Income
 112.130 Earned Income
 112.131 Earned Income Tax Credit
 112.132 Budgeting Earned Income
 112.133 Budgeting Earned Income of Applicants Employed On
 Date of Application And/Or Date Of Decision
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees

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Section
 112.136 Budgeting Earned Income For Non-Contractual School
 Employees
 112.137 Termination of Employment
 112.138 Transitional Payments
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income From Work/Study/Training Program
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children
 and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
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 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers
 112.155 AFDC Income Limit

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 112.251 Payment Levels in AFDC
 112.252 Payment Levels in AFDC Group I Counties
 112.253 Payment Levels in AFDC Group II Counties
 112.254 Payment Levels in AFDC Group III Counties

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 112.301 Presumptive Eligibility
 112.302 Monthly Reporting
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 112.304 Budgeting Schedule
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 112.320 Redetermination of Eligibility
 112.330 Twelve Month Extension of Medical Assistance Due to
 Increased Income from Employment

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Section
112.331 Four Month Extension of Medical Assistance Due to
Child Support Collections
112.332 Extension of Medical Assistance Due to Loss of
Earned Income Disregard (Repealed)
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112.356 Notification of Available Services
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112.400 Transitional Child Care Eligibility
112.404 Duration of Eligibility for Transitional Child Care
112.406 Loss of Eligibility for Transitional Child Care
112.408 Qualified Child Care Providers
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112.412 Participant Rights and Responsibilities
112.414 Child Care Overpayments and Recoveries
112.416 Fees for Service for Transitional Child Care
112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 4-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979,

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for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August

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26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective

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July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937,

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effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART C: PROJECT CHANCE

Section 112.70 Participation Requirements For Project Chance

Sections 112.70 through 112.83 describe Project Chance employment, education, and training participation requirements for AFDC clients. The purpose of Project Chance is to assure that needy individuals and families obtain education, training and employment that will help avoid long-term welfare dependence. Project Chance will focus on enhancing the long-term employability of AFDC clients by assessing the individual capabilities of each program participant, allow to the greatest extent possible the individual's preferences in completing the employability plan and matching the participant to a suitable activity. The program will offer a wide variety of intensive activities aimed at assisting the participant to acquire the education and/or skills needed to meet the demands of the current labor market as well as in the future. Upon completion of the individuals education and/or training all participants will seek employment as part of the employability plan. To the extent possible, the program will have as its first priority individuals, whether exempt or non-exempt, who volunteer to participate. The Department will decide the categories of individuals who can participate in Project Chance based upon budget analysis of component costs and supportive service costs for each category of individuals and in keeping with Federal Jobs participation requirements.

- a) Both exempt and non-exempt individuals receiving AFDC may participate in Project Chance when state resources permit. All non-exempt individuals receiving AFDC are required to participate in Project Chance only to the extent there are resources available to serve individuals other than volunteers. Participation in

Section 112.70

Participation Requirements For Project Chance (Cont'd)

component activities may be mandated for non-exempt individuals. The principal wage earner in the AFDC-U case must participate in the Unemployed Parent Work Experience component unless he/she is exempt under one of the exemption criteria (see Section 112.71). If the principal wage earner is exempt, the other parent must participate in the Unemployed Parent Work Experience component unless he/she is also exempt. Participation may be limited for non-exempt and exempt individuals based on component cost or available funds for supportive services for participating individuals. Dependent children under sixteen (16) who are not parents cannot participate in Project Chance.

- b) Project Chance services will be offered to exempt and non-exempt individuals who wish to volunteer to participate.

- 1) Volunteers will be served first. However, participation may be mandated for non-exempt individuals if needed to serve adequate numbers in the target populations, or if state resources are available to provide services beyond this volunteer population. Exempt and non-exempt individuals who volunteer to participate become a program participant upon completion of the Initial Assessment, development of the employability plan, and assignment to a component (see Section 112.74). Participation may be limited for volunteers if state resources are insufficient. A waiting list will be established by geographical area to serve those on waiting lists in each geographical area. Volunteers who fail to attend the orientation and/or Initial Assessment meetings will not be sanctioned. However, non-exempt individuals-volunteers who attend the orientation meeting and become program participants by completing the Initial Assessment, development of the employability plan, and assignment to a component may be sanctioned if they thereafter do not meet program requirements without good cause (see Section 112.79). Non-exempt individuals who are mandated to participate but fail to attend the orientation

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Section 112.70 Participation Requirements For Project Chance (Cont'd)

- meeting or to complete the Initial Assessment without good cause may be sanctioned.
- 2) The priority that volunteers will be served is:
 - A) non-exempt volunteers from the target groups;
 - B) exempt volunteers from the target groups;
 - C) non-exempt volunteers other than the target groups;
 - D) exempt volunteers other than the target groups; and
 - E) non-volunteers.

c) Project Chance participation may be mandated to the extent resources allow and to the extent needed to meet Federal program requirements and maintain a program that is balanced between education and training services and placement sources for job ready individuals. If it is determined that Project Chance participation must be mandated, this shall be done in the following order:

- 1) recipients of Aid to Families with Dependent Children - Unemployed (AFDC-U) who are in the target groups specified in Section 112.70(d);
- 2) recipients of AFDC-U not in the target groups;
- 3) recipients of regular Aid to Families with Dependent Children (AFDC) whose youngest child is at least age 16;
- 4) recipients of AFDC on assistance at least three (3) of the last five (5) years; and
- 5) recipients of AFDC under the age of twenty-four (24) who have not completed high school.

e)d) Project Chance resources will be targeted to the following groups:

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Section 112.70 Participation Requirements For Project Chance (Cont'd)

- 1) current recipients who have received AFDC for any thirty-six (36) of the preceding sixty (60) months;
- 2) applicants for AFDC who have received AFDC for any thirty-six (36) of the sixty (60) months immediately preceding the most recent month for which application has been made;
- 3) custodial parents under age twenty-four (24) who have not completed high school or have little or no work experience within the preceding year; or
- 4) members of families in which the youngest child is within two (2) years of being ineligible for AFDC because of age.

d)e) A custodial parent under age twenty (20) who has not completed a high school education (or its equivalent) is not exempt from participation in educational activities directed toward obtaining a high school diploma (or equivalent) because of the age of the youngest child (see Section 112.71). Full-time participation (as defined by the educational provider) is required even if the individual's youngest child is under age six (6). This requirement is conditioned upon provision to the young parent of all necessary child care services.

e)f) A custodial parent age sixteen (16) or seventeen (17) may be excused from educational activities directed toward obtaining a high school diploma (or equivalent) if the parent is unable to participate due to his or her own mental or physical illness or that of his or her spouse or child, is homeless, or is experiencing family or personal crisis.

f)g) A custodial parent who is age eighteen (18) or nineteen (19) may participate in training or work activities instead of educational activities if one of the following conditions is met:

- 1) prior to any assignment of the parent to educational activities, it is determined, based on an educational assessment and the employment

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Section 112.70 Participation Requirements For Project Chance (Cont'd)

goal established in the parents' employability plan, that participation in educational activities is not appropriate; or

- 2) the parent fails to make good progress in successfully completing educational activities, and it is determined based on an individual assessment, and the employment plan that the educational activity is not appropriate.

g) Individuals age twenty (20) or over who have not completed a high school education (or equivalent) must participate in educational activities consistent with the employment goal established in the employability plan unless:

- 1) the individual reads at the 9.9 grade level; or
- 2) the long term employment goal identified in the individual's employability plan does not require a high school diploma (or equivalent); or
- 3) the individual reads below the 9.9 grade level, and it is determined based on the individual's assessment that the individual does not possess the aptitude to progress in an educational program and does not wish to participate in an educational program.

h) A parent or other relative personally caring for a child under age six (6) will not be required to participate in Project Chance for more than twenty (20) hours per week except as specified in subsection (d)-(e) above.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 112.71 Individuals Exempt From Project Chance

- a) An individual shall be exempt from Project Chance participation when that individual:

- 1) Is a child-age sixteen (16) through eighteen (18) in full-time elementary, secondary grades 9-12 or equivalent vocational/technical school

Section 112.71

Individuals Exempt From Project Chance (Cont'd)

attendance. If the child-individual loses this exemption because he/she is no longer in school, the exemption is no longer applicable even if the child-individual returns to school;

- 2) Temporary and Chronic Illness or Injuries

- A) Temporary Illness and Injuries

- i) Is temporarily ill or chronically ill. An individual is temporarily ill, when determined by the local office, on the basis of medical evidence (e.g., statement from a medical provider) or on another sound basis that the illness/injury is serious enough to temporarily prevent the individual from engaging in employment or participating in Project Chance. A sound basis for exemption from Project Chance on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery;

- ii) Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion;

- B) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed/certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in Project Chance. This may include a period of recuperation after childbirth if prescribed by a woman's physician;

- C) When an individual is determined either temporarily or chronically ill or

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Section 112.71

Individuals Exempt From Project Chance
(Cont'd)

incapacitated, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when review of the case will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the individual that the reevaluation is necessary;

- 3) Is under age sixteen (16), or is age sixty (60) years or older;
- 4) Resides in an area remote from the Project Chance office or service unit so that effective participation in the program is precluded. The individual is considered remote if a round trip of more than two (2) hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day or if an individual has no means of transportation available;
- 5) Has another household member for whom that individual must provide full-time care;
- 6) Is the parent or other caretaker relative of a child under age three (3) in the home (other than a minor parent under age twenty (20) without a high school diploma or equivalent who is required to participate in education) who is personally providing care for the child. Only one person in a case may be exempt for this reason.
- 7) Employment
 - A) Is employed 30 hours or more per week;
 - B) This exemption continues to apply if there is a temporary break in full-time employment

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Section 112.71

Individuals Exempt From Project Chance
(Cont'd)

expected to last no longer than ten (10) work days.

- 8) Is in the 4th month of pregnancy or later; or
- 9) Is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.).

b) Individuals who request an exemption from participation in Project Chance shall do so in writing with the assistance of the Project Chance worker or other Department staff, if needed, and shall receive a written notice of decision on such request within forty-five (45) days. Requests for an exemption may be made at:

- 1) application for assistance;
 - 2) orientation;
 - 3) assessment;
 - 4) reassessment;
 - 5) AFDC eligibility redeterminations;
 - 6) client's request; or
 - 7) whenever information received by the Department indicates the possibility of an exemption.
- c) Exempt individuals may volunteer for Project Chance.
(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 112.72

Project Chance Participation/Cooperation
Requirements

- a) An individual is required to participate in Project Chance by:
 - 1) Cooperating with Project Chance. Cooperation with Project Chance is defined as providing requested information about employment history

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Section 112.72 Project Chance Participation/Cooperation Requirements (Cont'd)

and capabilities, appearing for scheduled meetings, participating in assessment and literacy tests, and complying with the requirements of Project Chance component activities identified in Sections 112.78 and 112.79;

2) Responding to a job referral of suitable employment (i.e., a written statement referring a participant to an employer for a specific position);

3) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why a bona fide offer of employment was not accepted. A bona fide offer of suitable employment is where:

A) there was a definite offer of employment substantiated by written confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community based on information obtained from the Department of Employment Security; and

B) there are no questions as to the individual's inability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and

C) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection.

4) Suitable employment must meet the following criteria:

A) Wages offered must be at least the greater of:

- i) the Federal minimum wage; or
- ii) the State minimum wage.

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Section 112.72 Project Chance Participation/Cooperation Requirements (Cont'd)

- iii) \$3.80/hour (if neither the Federal nor State minimum wage is applicable); or
- iv) the greater of the State or Federal minimum training wage when this minimum wage is applicable based on age.

B) Subminimum training wages offered must be at least the greater of:

- i) the Federal subminimum training wage; or
- ii) the State subminimum training wage.

B)C) If the wages are offered on a piece-rate basis wages for a beginner must equal the amount the participant can reasonably be expected to earn as outlined in Section 112.72(a)(4)(A).

C)D) The participant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization.

B)E) There is no unreasonable degree of risk to the participant's health and safety.

B)F) The participant is physically and mentally competent to perform the work.

F)G) The employment must be within reasonable distance of the participant's residence. Commuting time must not represent more than 25% of the participant's total time on the job, e.g., no more than two (2) hours commuting time for an eight (8) hour work day.

G)H) The employment would result in the participant's family not experiencing a net loss of cash income. Net loss of cash income results if the family's gross income less actual necessary work-related expenses is less than the cash assistance the

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Section 112.72 Project Chance Participation/Cooperation Requirements (Cont'd)

individual was receiving at the time the offer of employment is made. Gross income includes, but is not limited to earnings, unearned income and cash assistance. Necessary and reasonable expenses include: all mandatory deductions from gross income including union dues, medical insurance, and/or garnishments or court ordered income withheld from earnings; child care costs at the Department's established rate if the individual would not be eligible for Transitional Child Care (see Sections 112.400 thru 112.418); and transportation costs to get to and from employment including travel for child care at the Department's established rates.

5) Participants must register and appear for interviews at the Department of Employment Security's Job Service offices when required by a Project Chance component activity.

b) Additionally, participants who are part-time employed as defined in Section 112.64(d)(1), must:

- 1) continue their part-time employment as defined in Section 112.64(d)(1); and
- 2) not reduce their employment (i.e., voluntarily reducing work hours).

c) Failure of a non-exempt individual to participate/cooperate with the Project Chance requirements listed in this Section without good cause will result in sanction as outlined in Section 112.79.

d) Failing to achieve certain grades or competency levels or goals in educational, training, or work activity shall not constitute failure to participate in Project Chance, but shall be addressed through a reassessment, requested by the participant or Project Chance.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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Section 112.74 Project Chance Initial Assessment Process/Development of an Employability Plan

a) Initial Assessment to Develop an Employability Plan

- 1) All individuals shall undergo an initial assessment to develop an employability plan.

- 2) The initial assessment shall include collection of information on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, child care, family circumstances and problems including the need of any child of the individual). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. A determination of whether the individual qualifies for an exemption may take place at any time the client requests or Project Chance staff perceive a reason for exemption during the individual's participation in the program. As part of the assessment process, individuals and Project Chance staff shall work together to identify any supportive service needs required to enable them to participate in Project Chance and meet the objectives of their employability plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The initial assessment shall include standard literacy testing and a determination of English language proficiency.

3) The employability plan must:

- A) contain an employment goal of the participant;
- B) describe the services to be provided by the agency, including child care and other supportive services;

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Section 112.74 Project Chance Initial Assessment Process/Development of an Employability Plan (Cont'd)

- C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
- D) describe any other needs of the family that might be met by Project Chance such as participation by a child in drug education or in life skills planning sessions.
- 4) The employability plan shall take into account:
 - A) available program resources;
 - B) the participant's supportive service needs;
 - C) the participant's skills level and aptitudes;
 - D) local employment opportunities;
 - E) to the maximum extent possible, the preferences of the participant;
 - F) the employability plan shall not be considered a contract;
 - G) final approval of the plan rests with the Project Chance program; and
 - H) the participant shall be offered a copy of the employability plan.
- b) Occurrence of the Initial Assessment
 - 1) The initial assessment shall take place before a participant is assigned to any Project Chance component. All participants will be scheduled to begin the initial assessment within fourteen (14) working days after orientation.
 - 2) The participant will be notified in writing of the initial assessment meeting. The notice shall include the following information:
 - A) the date and time of the interview;

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Section 112.74 Project Chance Initial Assessment Process/Development of an Employability Plan (Cont'd)

- B) a description of the purpose of the interview;
- C) the consequences of failing to attend;
- D) the right to re-schedule for good cause;
- E) the right to request child care and transportation to attend; and
- F) the name of the person to contact for such purposes.
- c) During the initial assessment, the employability plan and needed services will be determined. The decisions will be based on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, child care, family circumstances and problems which may include the need of any child of the individual). The preference of the individual will be taken into account in the development of the employability plan to the maximum extent possible and appropriate. In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, individuals and Project Chance staff shall work together to identify any supportive service needs required to enable them to participate in Project Chance and meet the objectives of their employment plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The initial assessment shall include standard literacy testing and a determination of English language proficiency. Literacy level is defined as reading at a 9.9 grade level or above. Based on the initial assessment, the individual will be assigned to the appropriate component activity. Individuals must participate twenty (20) hours each week to enable the State of Illinois to obtain maximum Federal match monies unless

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Project Chance Initial Assessment
Process/Development of an Employability Plan
(Cont'd)

special circumstances prevent twenty (20) hours of participation each week. Components may be combined to increase the hours of participation to twenty (20) hours each week as required for Federal Financial Participation (FFP). The decision will be based on a determination of the individual's level of preparation for employment. The four (4) levels are as follows:

- 1) Individuals unable to participate due to barriers or problems such as substance abuse problems, domestic violence, family problems, etc. will be referred to an appropriate supportive/ancillary service activity.
- 2) Individuals ready to participate, but not job ready and in need of educational services will be referred to an educational component. Individuals ready to participate but in need of educational services will include but are not limited to:

A) individuals with limited English proficiency;

B) individuals under age twenty (20) who do not have a high school diploma; and

C) individuals age twenty (20) and over who do not read at or above a 9.9 grade level.

3) Individual(s) ready to participate, but lacking the necessary education or training for employment, near job ready will be referred to job skills training, job readiness training, post secondary education, work experience or other appropriate components.

4) Job ready individuals will be referred to job readiness activities, job placement, or job search. To be "job ready", an individual must possess the following attributes:

- A) A job ready individual must have:
- i) transportation (ability to get to the work site);

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ii) clothes (suitable and appropriate for the type of work);

iii) child care;

iv) tools (if required and not supplied by the employer);

v) certificates, licenses, and/or degree (if required);

vi) a medical release (where needed, such as workers recently on disability);

vii) mental and emotional capability of employability;

viii) freedom from any dependency on drugs or alcohol; and

ix) motivation to find and hold a job.

B) Plus one or more of the following:

i) marketable skills through work history (i.e., current or within the past twenty-four (24) months and a work history in the area of interest or area to which the referral is requested);

ii) marketable skills through education and/or training (i.e., current or within the past twenty-four (24) months, in the area of occupation being sought, and is able to meet the entry level requirements of the occupation);

iii) if requesting the referral to a specific job order the individual must meet all requirements listed on the order; or

iv) new entrants into the job market and persons meeting entry level requirement of specific job.

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Section 112.74 Project Chance Initial Assessment
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- d) Reassessment
- 1) A reassessment will be conducted to assess a participant's progress and to review the employability plan at least at the following times:
 - A) upon completion of a component activity and before assignment to a component activity;
 - B) upon the request of the participant; and
 - C) if the individual is not cooperating with the requirements of the program;
 - D) if the individual has failed to make satisfactory progress in an education or training program;
 - E) upon completion of an academic term;
 - F) upon referral from DES or other entities; and
 - G) every twelve (12) consecutive months for individuals participating in an Unemployed Parent Work Experience component work assignment.
 - 2) The reassessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. A written notice may be sent to the participant if the reassessment needs to be rescheduled.
 - 3) The employability plan must:
 - A) contain an employment goal of the participant;
 - B) describe the services to be provided by the agency, including child care and other supportive service;

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- C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
- D) describe any other needs of the family that might be met by Project Chance such as participation by a child in drug education or in life skills planning sessions.
- 4) The employability plan shall take into account:
 - A) available program resources;
 - B) the participant's supportive service needs;
 - C) the participant's skills level and aptitudes;
 - D) local employment opportunities;
 - E) to the maximum extent possible, the preferences of the participant.
- 5) A reassessment will include an evaluation of the participant's progress towards the employment goal. If progress is lacking the participant may be reassigned to a more appropriate component and relevant facts shall be reviewed to determine if the client is exempt from program participation requirements.
 - e) If a non-exempt individual who is required to participate in the program fails without good cause to appear for the scheduled assessment interviews or comply with the assessment process without good cause, the individual is subject to sanction rules.
 - f) If the non-exempt participant has good cause for failing to appear for the assessment interview or to comply with the assessment process, sanction rules do not apply.
 - g) Project Chance participation shall not be required in the event that supportive services are needed for

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effective participation but are unavailable from the Department or from some reasonably available source (e.g., child care provided by the Department of Children and Family Services).

- h) Expenses for transportation and child care services will be provided to enable individuals to attend the assessment meeting, if requested.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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Project Chance Components

a) Education (Below Post Secondary)

Participants who are determined ready to participate but in need of education are referred to the education component. In this component, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (e.g., GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.

1) Assignment to Education (Below Post Secondary)

- A) Individuals to be assigned to Education may include but are not limited to the following:
- i) custodial parents under age twenty (20) who do not have a high school degree or equivalent;
 - ii) individuals with limited English proficiency;
 - iii) individuals age twenty (20) and over who do not read at or above a 9.9 grade level; and

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Project Chance Components (Cont'd)

- iv) individuals age twenty (20) and over who do not have a high school degree or its equivalent and wish to obtain one.
- B) Parents ages sixteen (16) and seventeen (17) may be excused from educational activities if the parent is unable to participate in educational activities due to his/her own mental or physical illness or that of his/her spouse or child, is homeless, or is experiencing family or personal crisis. This shall include but not be limited to domestic violence and a child's suspension from school.

- C) Parents age eighteen (18) and nineteen (19) may be assigned to training or work activities instead of educational activities if:

- i) the parent fails to make good progress in successfully completing education activities, or
- ii) prior to assignment, the parent had made arrangements to participate in a training program that is approved by the Project Chance program; or
- iii) it is determined based on the assessment and the employment goal of the individual that educational activities are not appropriate.

- D) Educational activities may be combined with other component activities if it is determined appropriate.

2) Approval criteria for education (Below Post Secondary)

- A) The individual's program must be accredited under state law.
- B) The individual's program must be needed for the participant to complete his or her employability plan.

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C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.

D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in transportation supportive services costs to the Department, when programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

2)3) Participation Requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must maintain attendance of at least 75% of scheduled activities unless there is good cause for missing more.

C) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:

i) active participation and pursuit of educational objectives;

ii) teacher's written remarks;

iii) grades;

iv) demonstrated competencies;

v) classroom exercises; and

vi) periodic test/retest results.

D) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and

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Project Chance Components (Cont'd)

test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for twelve (12) months.

E) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for twelve (12) months.

F) The individual must participate twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.

b) Job Skills Training (Vocational)

Job Skills Training is designed to increase the individual's ability to obtain and maintain employment. Job Skills Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Job Skills Training may include certificate programs.

1) Assignment-to-Job-Skills-Training-(Vocational)

A) The participant is unemployed or employed and in need of further education to enhance employment/earning potential.

B) The participant possesses the aptitude, ability and interest necessary for success in the selected program (as determined by such factors as test results, educational/training background).

C) The program is accredited under requirements of State law.

D) The program is needed for the participant to obtain useful employment in a reeignat-

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Project Chance Components (Cont'd)

occupation-(according-to-the-Dictionary-of-Occupational-Titles-(DOT))-from-the-Department-of-Employment-Security-(DES)-401-67-State-Street,-6th-Floor,-Chicago,-Illinois-60605-and/or-other-documented-and-reliable-sources-(e.g.,-Newspapers-available-from-the-Illinois-Occupational-Information-Coordinating-Committee,-217-E.-Monroe,-Springfield,-Illinois-and/or-the-placement-office-at-an-educational-institution)---Jobs-must-be-available-in-the-chosen-field-upon-program-completion.

E) The program is needed for the participant to complete his or her employability plan.

F) The program is full-time or part-time if a full-time program is not available.

G) Job skills training may be combined with other component activities if it is determined appropriate.

1) Self-initiated activity qualifies as "self initiated education or training" for this component if:

A) The participant is attending at least half-time as defined by the institution.

B) The participant is making satisfactory progress in such institution, school or course.

C) The course of study is consistent with the individual's employment goal; and

D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(b)(2)(A) thru (J).

2) Approval Criteria For Job Skills Training (Vocational)

A) The individual's program must be accredited under requirements of state law.

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B) The individual must be underemployed or unemployed and in need of additional training.

C) The individual must have a high school diploma or GED if required for training requirements and/or employment in the chosen field.

D) The individual must apply for all available educational benefits such as the Pell grant and scholarships from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.

E) The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.

F) When the individual possesses an associate degree, license or certificate, the program selected must result in an increase in the level of the individual's earnings upon completion. Otherwise, no additional training will be approved unless, due to a change in the economy or occupation, there are not jobs available in the individual's chosen occupation. If the individual possesses a baccalaureate degree, no additional education or training will be approved.

G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.

H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's employability plan upon completion.

I) When programs of comparable quality are available in more than one geographical

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Project Chance Components (Cont'd)

area, the program selected will be the least costly in transportation supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

J) Job skills training may be combined with other component activities if it is determined appropriate.

K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.

2)2) Participation Requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must maintain attendance of at least 75% unless there is good cause for missing more.

C) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

D) The individual must participate twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.

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E) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

c) Job Readiness

1) The job readiness component is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. This component helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

2) Assignment to Job Readiness

A) Individuals who are near job-ready are assigned to this component to help them perfect techniques needed to obtain employment and to improve interview skills.

B) Job readiness activities may be combined with other component activities if it is determined appropriate.

3) Participation requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must attend all scheduled classes or sessions. The individual must be

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making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search component in the program, the individual must make up to five-ten (10) acceptable employer contacts in a thirty (30) day period unless the participant shows good faith effort (see subsection (d)(3)(B) for the definition of "good faith effort").

C) The individual must participate twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.

D) The individual must respond to a job referral, accept employment and respond to mail-in contact.

d) Job Search

1) Description of Job Search

Job Search may be conducted individually or in groups. Job Search includes the provision of counseling, job seeking skills training and information dissemination. Group job search may include training in a group session.

2) Assignment to Job Search

A) Participation in the Job Search component can not be in excess of eight (8) weeks (or its equivalent) in any period of twelve (12) consecutive months.

B) Job ready individuals may be assigned to Job Search. Individuals completing education or training or job skills training or job readiness training may be assigned to Job Search.

C) Job Search may be combined with other component activities if it is determined appropriate.

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3) Participation Requirements

A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.

B) Individuals must contact employers in an effort to secure employment. Participants must make up to twenty (20) acceptable employer contacts in a 30-day period unless the participant shows good faith effort. Good faith effort exists when circumstances beyond the control of the participant prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:

- i) the participant appears for a scheduled interview and the employer misses the appointment;
- ii) the participant makes less than the required number of acceptable employer contacts, but came reasonably close to the required numbers in an effort to find work;
- iii) the participant fails a civil service or other employment screening test;
- iv) the participant completes an application which is not accepted by the employer;
- v) the participant's job search performance indicates that he/she should be in a different Project Chance component activity; and
- vi) the participant has less than the required number of employer contacts based on the lack of available jobs in the geographical area.

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C) The individual must participate twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.

C-D) Acceptable employer contacts may include but are not limited to:

- i) a face-to-face interview-contact with an employer or their representative;
- ii) the completion and return of an application to an employer;
- iii) the completion of a civil service test required for employment with state, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;
- iv) the completion and mailing of a resume with a cover letter to a recognized employer;
- v) reporting to the union hall for union members verified to be in good standing; or
- vi) registration with DES.

e) Community Work Experience

Near job ready participants who have not found employment and who need orientation to work, work experience or training, in order to prevent deterioration of or to enhance existing skills are referred to the Community Work Experience component. Community Work Experience assignments are with not-for-profit and public agencies statewide. Not-for-profit and public agencies shall not use Community Work Experience participants to displace regular employees (see subsection (e)(4) below). Work experience programs shall be limited to those which serve a public purpose in fields such as health, social service, environmental protection, education,

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urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and child care. Participants in Community Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) for a Federal office or agency with its consent, and, notwithstanding (31 U.S.C. 1342), or any other provision of law, such agency may accept such services, but such participants shall not be considered to be Federal employees for any purpose.

1) Assignment to Community Work Experience

- A) The Community Work Experience component is for participants determined:
 - i) to have no recent work history or employer references taking into consideration such factors as the educational background and previous training; or
 - ii) to need experience to prevent deterioration of or to enhance existing skills (e.g., typing).

B) Entry into Community Work Experience

Participants are determined to be eligible for the Community Work Experience component, based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including but not limited to the participant's case record).

C) Community Work Experience Positions

A participant shall be assigned to a Community Work Experience position based on his-work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks

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the beginning of participation in Community Work Experience.

- D) Community Work Experience activities may be combined with other component activities if it is determined appropriate.

2) Participation Requirements

- A) Work assignment consists of three 30-day periods. (The date the participant is to appear at the work assignment begins the three 30-day periods.) The hours of the work assignment for a 30-day period shall not exceed the family's AFDC grant received in the fiscal month during which the assignment is made divided by the higher of the State or Federal minimum wage or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site (as determined by the Work Experience Sponsor and the Department). (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next calendar month.) The portion of a recipient's aid for which the State is reimbursed by a child support collection (except for the \$50 pass through) shall be excluded in determining the maximum number of hours that the participant is required to work. In order to provide consistency for both work assignment sponsors and participants, the required number of hours will be rounded down to forty (40) or eighty (80) hours. The minimum number of hours that must be completed within a 30-day period is forty (40) hours, and the maximum number of hours that must be completed within a 30-day period is eighty (80) hours.

- B) During work assignment, the participant shall be required to make up to five-(5)-employee-contacts-per-month-ten (10)

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employer contacts per month if participating in a forty (40) hour work assignment, or five (5) employer contacts per month if participating in an eighty (80) hour work assignment unless the participant shows good faith effort (see subsection (d)(3)(B) for the definition of "good faith effort") or participates in education and training programs. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.

- C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.

- D) The individual must participate twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week. The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include but is not limited to activities such as the work assignment, the completion of employer contacts and attendance in education/training programs.

3) Reassessment

At the end of the third 30-day period, the mandatory registrant's employability will be evaluated using the procedures and criteria described in Section 112.74. If continuing the work assignment will benefit the mandatory registrant in terms of furthering work skills (see subsection (e)(1)(A) and (B)), the mandatory registrant shall be reassigned to the work assignment. Otherwise, the mandatory registrant will be assessed for assignment to another Project Chance component.

4) Length of Assignment

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An individual cannot be assigned to Community Work Experience for more than a total of six (6) months.

5) Displacement

- A) The Work Experience Sponsor shall not use participants to displace persons:
- i) who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits;
 - ii) who are or have been involved in a labor dispute between a labor organization and the Sponsor; or
 - iii) who have been temporarily laid-off by the Sponsor;
 - iii) impair existing contracts for services or collective bargaining agreements; or
 - iv) infringe in anyway upon promotional opportunities of any currently employed individual; or
 - v) fill any established unfilled position vacancy by a participant assigned to Work Supplementation or Work Experience components; or
 - vi) who have been laid off or terminated by the Sponsor or the Sponsor has otherwise reduced its workforce;
- B) Participant's, other employees at the work site or their representatives may file a grievance with the Department if they believe their work assignments are causing

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displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

- i) the name and address of the participant or other employee at the work site i.e., the grievant;
 - ii) the participant's public aid case number;
 - iii) the participant's or other employee's (at the work site) social security number;
 - iv) Work Experience (work site); and
 - v) a statement as to why the participant or other employee at the work site believes he or she is causing displacement.
- C) Within ten (10) days of receipt of a written grievance, the Department shall arrange an in-person conference with:
- i) the participant or other employee at the work site;
 - ii) the participant's or other employee's (at the work site) representative, if any;
 - iii) the Work Experience Sponsor;
 - iv) the Work Experience Sponsor's representative, if any; and
 - v) the Department's representative.
- D) At the in-person conference, the Department shall solicit and receive from the participant or other employee at the work site and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work

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Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.

- E) Within fifteen (15) days of the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

- F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A)(i) above), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of Project Chance participants in addition to the participant, then the Department shall terminate those Project Chance participants' assignment to that work assignment Sponsor.

- G) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.

f) On the Job Training (OJT)

In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

1) Assignment to OJT

- A) Job ready individuals may be assigned to OJT.

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- B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.

- C) Wages to participants in OJT shall not be less than the higher of the State or Federal minimum wage.

- D) Wages to participants in OJT are considered earned income.

- E) OJT may be combined with other component activities if it is determined appropriate.

2) Participation Requirement

- A) The participant must attend all scheduled days.

- B) The individual must participate twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.

3) Supportive Services

Participants in OJT receive child care and Medicaid benefits through the AFDC program, not Project Chance.

g) Exchange Program (see Section 112.98)

h) Post Secondary Education

Individuals may be referred to post secondary education programs. Post secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, The Barber, Cosmetology and Esthetics Act of 1985 (Ill. Rev. Stat. 1989, ch. 111, par. 1701-1 et seq.), the Real Estate License Act of 1983 (Ill. Rev. Stat. 1989, ch. 111, par. 5801 et seq.), the Public Community College Act (Ill. Rev. Stat. 1989, ch. 122, par. 101-1 et seq.), AN ACT to provide for the organization and maintenance of the University of Illinois (Ill. Rev. Stat. 1989, ch. 144, par. 22 et

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seq.), AN ACT providing for the management, operation, control and maintenance of the Regency Universities System (Ill. Rev. Stat. 1989, ch. 144, par. 301 et seq.) and AN ACT to change the name of Southern Illinois Normal University (Ill. Rev. Stat. 1989, ch. 144, par. 600 et seq.).

1) Assignment to Post-Secondary Education

A) The participant is unemployed or employed and in need of further education to enhance employment/earning potential.

B) The participant possesses the aptitude, ability and interest necessary for success in the selected program (as determined by such factors as test results, educational/training background).

C) The program is accredited under requirements of State law.

D) The program is needed for the participant to obtain useful employment in a recognized occupation (according to the Dictionary of Occupational Titles (DOT), the Department of Employment Security (DES) and/or other documented and reliable sources (e.g., -- Merit, Department of Commerce and Community Affairs (DCCA) and/or the placement officer at an educational institution) -- jobs must be available for graduates upon program completion.

E) The program is needed for the participant to complete his or her employment plan.

F) The program is full-time or part-time if a full-time program is not available.

G) The program selected may be no more than a program that will result in the receipt of a Baccalaureate Degree.

H) If the participant possesses a Baccalaureate degree, no additional education may be approved.

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I) The program cannot be a post-graduate program.

J) Post-secondary education activities may be combined with other component activities if it is determined appropriate.

1) Self-initiated activity qualifies as "self initiated education or training" for this component if:

A) The participant is attending at least half-time as defined by the institution.

B) The participant is making satisfactory progress in such institution, school or course.

C) The course of study is consistent with the individual's employment goal; and

D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(h)(2)(A) thru (n).

2) Approval Criteria For Post Secondary Education

A) The individual must have a high school diploma or a GED.

B) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.

C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.

D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.

E) The individual does not already possess a baccalaureate degree or an associate degree.

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if the employability plan goal is an associate degree.

F) If the participant possesses a baccalaureate degree, no additional education may be approved.

G) The individual's program must be accredited under requirements of State law.

H) The individual must apply for all available educational benefits such as the Pell grant and scholarship from the Illinois Student Assistance Commission, as well as, any scholarship or grants identified by the education or training facility for which the participant may be eligible.

I) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's employability plan upon program completion.

J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in transportation supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

K) One half or more of the total scheduled enrollment hours in the program must be in college credit course work. Upon completion of twelve (12) consecutive months and thereafter, the individual must be enrolled full-time in college credit course work (additional remedial courses may be approved as needed to supplement the full-time college credit course work).

L) The individual must supply all information requested on the "Postsecondary Baccalaureate Degree Program Application"

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form if the Employability plan goal is a Bachelor of Science or Bachelor of Arts degree.

M) The program selected may be no more than a program that will result in the receipt of a Baccalaureate Degree.

233) Participation Requirements

A) The individual must maintain attendance of at least 75% unless there is good cause for missing more.

B) The participant must secure funding for tuition payment. Available educational benefits may include, but are not limited to, resources such as the Pell grant and scholarship from the Illinois Student Assistance Commission, as well as, any scholarship or grants identified by the education or training facility for which the participant may be eligible. Income from educational loans and grants are exempt from consideration as budgeted income toward the assistance grant (see Section 112.144).

B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

C) The individual must participate twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.

D) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client

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withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

1) Self-initiated Education

Participants who are attending in good standing an institution of higher education or a vocational or technical program at the time they enter the Project Chance program may continue to attend if the program is approved by the Project Chance program under the provisions of subsections (1) (A) thru (J) below.

1) Assignment to Self-initiated Education

A) The participant is unemployed or employed and in need of further education to enhance employment/earning potential.

B) The participant possesses the aptitude, ability and interest necessary for success in the selected program (as determined by such factors as test results, educational/training background).

C) The program is accredited under requirements of State law.

D) The program is needed for the participant to obtain useful employment in a recognized occupation (according to the Dictionary of Occupational Titles (DOT), the Department of Employment Security (DES), and/or other documented and reliable sources (e.g., Hearnings, Department of Commerce and Community Affairs (DCCA), and/or the placement officer at an educational institution). Jobs must be available for graduates upon program completion.

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E) The program is needed for the participant to complete his or her employment plan.

F) The program is full-time or a full-time program is not available or appropriate.

G) The program selected may be no more than a Bachelor's Degree.

H) If the participant possesses a Bachelor's degree, no additional education may be approved.

I) The program cannot be a post-graduate program.

J) Self-initiated education activities may be combined with other component activities if it is determined appropriate.

2) Participation Requirements

A) The participant must maintain attendance of at least 75% unless there is good cause for missing more.

B) The participant must secure funding for tuition payment. Available educational benefits may include, but are not limited to, resources such as the Pell grant and scholarship from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the participant may be eligible for income from educational loans and grants are exempt from consideration as budgeted income toward the assistance grant (see Section 112.144).

3) Job Development and Placement (JDP)

1) Project Chance staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the

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marketing of participants for specific job openings.

2) Assignment to JDP

Job ready individuals may be assigned to JDP.

k) Job Retention

The job retention component is designed to assist participants in retaining employment. Initial employment expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding job retention skills. Counseling may continue up to three months after employment.

k) Unemployed Parent Work Experience

1) The principal wage earner in the AFDC-U case must participate in Unemployed Parent Work Experience unless he/she is exempt under one of the exemption criteria (see Section 112.71). If the principal wage earner is exempt, the other parent must participate in Unemployed Parent Work Experience unless he/she is also exempt.

2) Unemployed Parent Work Experience participants who are placed on a supervised work assignment improve their employment skills through actual work experience at not-for-profit organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Not-For-Profit organizations and governmental agencies shall not use unemployed Parent Work Experience participants to displace regular employees (see subsection (k)(4) below).

3) The individual must participate in Unemployed Parent Work Experience for as long as he/she remains eligible for financial assistance or is determined exempt from Project Chance. Work assignments are for twenty (20) hours each week or forty (40) hours for two (2) weeks followed by two (2) weeks off. Attendance in the work assignment is monitored monthly. A reassessment

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must be conducted with the participant at least every twelve (12) consecutive months.

4) Assignment to Work Experience

A) The Unemployed Parent Work Experience participant who possesses a high school diploma or equivalent will be assigned to a work assignment. The participant who does not possess a high school diploma or equivalent and who is:

- i) age 25 and over may participate in educational activities below the postsecondary level in addition to his/her Unemployed Parent Work Experience work assignment; or
- ii) age 20 through 24 may choose to participate in educational activities below the postsecondary level in addition to or instead of the Unemployed Parent Work Experience work assignment. The individual must participate twenty (20) hours each week in the Education (below postsecondary) component if he/she chooses this component instead of the Unemployed Parent Work Experience work assignment. If the individual fails to make satisfactory academic progress in the Education (below postsecondary) component, the individual will be assigned to an Unemployed Parent Work Experience work assignment; or
- iii) under age 20 must participate twenty (20) hours each week in educational activities below the postsecondary level. The individual must meet the participation requirements of the Education (below postsecondary) component (see Section 112.78 (a)). If the individual fails to make satisfactory academic progress, the individual will be assigned to the

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Unemployed Parent Work Experience work assignment.

B)

Entry into Unemployed Parent Work Experience

The Unemployed Parent Work Experience participant must be the principal wage earner in the AFDC-U case unless he/she is exempt under one of the exemption criteria (see Section 112.71). If the principal wage earner is exempt, the other parent must participate in Unemployed Parent Work Experience unless he/she is also exempt.

C)

Unemployed Parent Work Experience Positions

A participant shall be assigned to an Unemployed Parent Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Unemployed Parent Work Experience.

D)

Unemployed Parent Work Experience activities may be combined with other component activities if it is determined appropriate.

5)

Participation Requirements

A)

During the work assignment period, the client must make a good faith effort to complete five (5) employer contacts in each thirty (30) day period.

B)

Failure to make the required number of employer contacts each thirty (30) day period without good cause may result in sanction. A client will not be sanctioned for failure to make a good faith effort to complete and provide verification of the required number of employer contacts (see Section 112.78 (d)(3)(B)).

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C)

The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include the work assignment, attendance in Education (below postsecondary), and/or completion of employer contact activities.

D)

The client attending a work assignment must participate twenty (20) hours each week or forty (40) hours for two (2) weeks followed by two (2) weeks off.

6)

Reassessment

A reassessment must be conducted with the participant at least every twelve (12) consecutive months.

7)

Displacement

A) The Work Experience Sponsor shall not use participants to displace persons:

- i) who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits; or
- ii) who are or have been involved in a labor dispute between a labor organization and the Sponsor; or
- iii) impair existing contracts for services or collective bargaining agreements; or
- iv) infringe in anyway upon promotional opportunities of any currently employed individual; or
- v) fill any established unfilled position vacancy by a participant assigned to

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work supplementation or Work Experience components; or

vi) who have been laid off or terminated by the Sponsor or the Sponsor has otherwise reduced its workforce.

B) Participant's, other employees at the work site or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

i) the name and address of the participant or other employee at the work site i.e., the grievant;

ii) the participant's public aid case number;

iii) the participant's or other employee's (at the work site) social security number;

iv) Work Experience (work site); and

v) a statement as to why the participant or other employee at the work site believes he or she is causing displacement.

C) Within ten (10) days of receipt of a written grievance, the Department shall arrange an in-person conference with:

i) the participant or other employee at the work site;

ii) the participant's or other employee's (at the work site) representative, if any;

iii) the Work Experience Sponsor;

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iv) the Work Experience Sponsor's representative, if any; and

v) the Department's representative.

D) At the in-person conference, the Department shall solicit and receive from the participant or other employee at the work site and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.

E) Within fifteen (15) days of the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A)(i) above), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of Project Chance participants in addition to the participant, then the Department shall terminate those Project Chance participants' assignment to that work assignment Sponsor.

G) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.

(Source: Amended at 16 Ill. Reg. ____, effective ____)

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Section 112.79 Project Chance Sanctions

- a) Sanctions may be imposed against those non-exempt participants who fail to participate without good cause in Project Chance if conciliation is unsuccessful (see Section 112.80 for good cause as specified in subsection (b) below.). For non-exempt participants the first failure to cooperate, the sanction period lasts until the participant agrees to cooperate. A sanction period of three (3) payment months or until the individual cooperates whichever is longer is imposed for the second failure to participate if conciliation is unsuccessful; a sanction period of six (6) payment months or until the individual cooperates whichever is longer is imposed for subsequent failures to participate if conciliation is unsuccessful. The Department will not impose a three (3) or six (6) month sanction on any non-exempt participant due to a sanction imposed prior to April 1, 1990. Sanctions will not be imposed against exempt individuals who volunteer. However, the conciliation process will be provided to exempt individuals who volunteer.

b) Sanctions

Sanctioning of a non-exempt participant or a penalty against exempt participants will result from one instance of any of the following unless conciliation is successful:

- 1) failure to respond to a job referral;
- 2) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4));
- 3) discontinuing part-time employment (less than 30 hours per week) (see Section 112.64);
- 4) reducing employment (i.e., hours of employment) (see Section 112.64(d)(1));
- 5) failure to respond to call-in notices on two (2) separate occasions for an Orientation appointment (see Section 112.76);
- 6) failure to report to an assessment interview and comply with the assessment process (see Section 112.74);

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Section 112.79 Project Chance Sanctions (Cont'd)

- 7) failure to report to a job readiness skills training session (see Section 112.78);
- 8) failure to participate in the Project Chance component activity.
- 9) failure to respond to a written notice for a meeting. For the purposes of determining attendance at Project Chance meetings, if the participant arrives anytime within thirty (30) minutes of the start of the scheduled meeting, the participant will be considered present and will be seen. If the participant has good cause (see Section 112.80) for being more than thirty (30) minutes late the tardiness will be excused. The Project Chance worker will include the participant in a scheduled group or other meeting or re-schedule the participant for another meeting;
- 10) failure to make good faith effort to complete and provide verification of the required number of acceptable employer contacts every thirty (30) days when employer contact activity is required in a component;
- 11) failure to accept transportation, family counseling or other social service or employment and training services such as testing or employment counseling, thereby precluding or interrupting participation in Project Chance activities;
- 12) ~~failure to report to the work assignment the first day of any scheduled day when assigned to work experience~~
- 13) failure to maintain satisfactory attendance-participation of at least 75% in an education/training any program component;
- 14) failure to provide verification of education/training activities, employability status, etc.

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Section 112.79 Project Chance Sanctions (Cont'd)

c) No Project Chance sanction will be imposed until Project Chance staff has sent the non-exempt participant a written notice scheduling a good cause determination/conciliation meeting to determine whether or not the non-exempt participant had good cause for his/her failure to comply with Project Chance requirements and the non-exempt participant has either failed to attend the meeting or failed to show good cause. If the non-exempt participant failed to show good cause, the conciliation process will continue (see Section 112.77) to enable resolving disputes related to Project Chance participation. The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause. Failure of the non-exempt participant to appear for the scheduled meeting is not considered an instance of noncooperation.

d) A Project Chance sanction against non-exempt participants or penalty against exempt participants may be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, if the participant establishes good cause (see Section 112.80 for good cause criteria).

e) When an AFDC-U case is sanctioned for non-compliance with Project Chance, the principal wage earner's "connection to the labor force" shall not have to be reestablished at the end of the sanction period unless assistance has been cancelled for another reason.

f) The notice of change form issued for a Project Chance sanction shall include the following:

- 1) a description of the acts of noncooperation with Project Chance, including dates where applicable;
- 2) a statement that the non-exempt participants acts were without good cause (see Section 112.80 for good cause criteria); and
- 3) the following language will be required for non-exempt participants: You will be sanctioned until (last day of sanction period). In order

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for cash assistance to be restored at the end of the sanction period with no further gap in assistance, you must file an application (or written request) for cash assistance between (x date) and (y date). If you apply later than (y date), there may be a further gap in assistance;

4) in addition, exempt participants will receive a notice of change describing the acts of noncooperation, including dates when applicable, a statement that the acts were without good cause, and notification that a penalty may result in loss of priority status should the individual choose to participate in Project Chance at a later time and discontinuance of supportive services.

g) At least fourteen (14) days prior to the end of the sanction period, a notice will be sent to sanctioned non-exempt individuals whose failure to cooperate has continued for three (3) months explaining the individual's option to end the sanction.

h) Receipt of Medical Assistance and/or Food Stamps shall not be terminated as a result of a Project Chance sanction.

i) During the sanction period, the non-exempt individual who fails to cooperate with Project Chance is ineligible for financial assistance. If the non-exempt individual sanctioned is the unemployed parent in the case, and a second parent is in the case, the second parent shall also be sanctioned even if exempt, unless the second parent is participating in the Project Chance Program.

j) Exempt volunteers in Project Chance who fail to cooperate with Project Chance will not have their assistance grants cancelled or reduced, provided their exemption status has not changed to non-exempt. Exempt volunteers may be penalized by loss of their priority status and supportive services, if applicable, if they fail to cooperate. Exempt volunteers have the right to participate in good cause determination meetings, conciliation, and request an

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Section 112.79 Project Chance Sanctions (Cont'd)

appeal hearing through the Department's fair hearing process (see 89 Ill. Adm. Code 104).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 112.82 Project Chance Supportive Services

a) AFDC participants involved in Project Chance are eligible to receive supportive service payments to enable them to participate in the program when to the extent state resources permit and must receive supportive services if required to participate. The Department is not required to provide supportive services unless the Department requires participation.

b) During the initial assessment, the supportive services needed by the participant which must be discussed and provided or arranged as needed include at least the following:

- 1) transportation;
- 2) child care;
- 3) job search allowance;
- 4) initial employment expenses;
- 5) required books, fees, supplies; and
- 6) required physical examinations and medical services (e.g., TB test).

c) Project Chance participation will not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Supportive services will be made available to the participant at no cost, except for individuals may be required to make a co-payment for Transitional Child Care (see Sections 112.400 through 112.418).

d) Surplus financial aid benefits to clients from Pell grants, scholarships from the Illinois Student

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Section 112.82 Project Chance Supportive Services (Cont'd)

Assistance Commission, loans and all other scholarships and grants are considered available to meet the education and training supportive service needs incurred by clients. Financial aid benefits will be considered available only if they are not budgeted against food stamps. Financial aid benefits are not considered available to meet child care costs. Surplus financial aid benefits are funds disbursed to clients after payment for tuition, books, fees and supplies are deducted from the clients' financial aid award. Only when surplus financial aid benefits are determined insufficient to meet clients' allowable educational expenses for the academic term will financial aid benefits be supplemented by the Department.

e) Eligible Services

1) Transportation

A) If requested and required (e.g., a participant who does not have an automobile), expenses for transportation will be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled Project Chance appointments.

B) Transportation expenses are to be paid to permit participation in Project Chance, including travel necessary to locate appropriate child care.

C) Transportation payments are made at the most reasonable and most economical rate. However, if the participant's own automobile is used, 15¢ per mile will be approved, which includes all vehicle-related expenses. The maximum transportation allowance is \$300 per month.

D) Transportation expenses are to be paid to permit the participant to take a state certification examination.

E) Payment for lodging is permitted with Department approval to allow the participant-

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~~to take a state certification examination. The Department's determination is based on the participant's geographical location, time required for travel, and means of available transportation from the examination site.~~

- C) Transportation expenses are to be paid to permit the participant to take a state certification examination.
- D) Payment for lodging is permitted with Department approval to allow the participant to take a state certification examination. The Department's determination is based on the participant's geographical location, time required for travel, and means of available transportation from the examination site.
- E) Payment for transportation is only made for expenses which, with other educational expenses, exceed the amount of the financial aid benefits.
- F) Transportation payments are made at the most reasonable and most economical rate, whichever is less. If the participant's own automobile is used, 15¢ per mile will be approved, which includes all vehicle-related expenses. The maximum transportation allowance is \$300 per month.

2) Child Care

- A) If requested and required (e.g., when school is not in session), expenses for child care services will be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled Project Chance appointments.
- B) Child care expenses are to be paid to permit participation in Project Chance (see Section 112.78).

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Project Chance Supportive Services (Cont'd)

- C) Maximum rates for child care have been established by the Illinois Department of Children and Family Services (DCFS) (see 89 Ill. Adm. Code 356.5(g)). The Department will allow payment of an amount not to exceed the maximum rates per child as established by DCFS.
- 3) Job Search Allowance
- A) An allowance of \$20.00 a month is to be paid to individuals participating in intensive-the Job Search Component to assist in the payment of job search-related expenses.
- B) An allowance of \$5.00-\$10.00 a month will be paid to individuals to assist in the payment of job search-related expenses if job search activities are part of another Project Chance component except if the individual is scheduled at eighty (80) hours in the Community Work Experience Component or Unemployed Parent Work Experience Component and is making five (5) employer contacts each month the allowance for job search-related expenses is \$5.00 a month.

4) Mandatory Fees

Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, are provided to participants enrolled in approved education or training programs (see Section 112.78) when the mandatory fees are not covered by financial aid benefits. A maximum payment of \$300.00 per twelve (12) month period will be provided. No payments are allowed for tuition.

5) Books and Supplies

Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which a participant is enrolled. A maximum payment of \$300.00 per

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Section 112.82 Project Chance Supportive Services (Cont'd)

twelve (12) month period can be provided for expenses not covered by financial aid benefits.

6) Required Physical Examinations and Medical Services

Payment is permitted for participants to obtain required physical examinations and medical services (e.g., TB test) if the costs are not otherwise provided by sources such as the employer or the training program.

7) Initial Employment Expense

A) Payment may be provided for employment expenses incurred when requested within thirty (30) calendar days from the date employment begins. These expenses are paid on the individual's work days during a thirty (30) calendar day period from the date employment begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a twelve (12) consecutive month period. Initial Employment Expenses used for child care are excluded from the calculation of the total amount. Payment may be made to individuals employed at least twenty (20) hours weekly on a job that is expected to last at least thirty (30) calendar days, or employed less than twenty (20) hours weekly on a job that is expected to last at least thirty (30) calendar days and total hours of employment plus component activity equal at least twenty (20) hours per week.

B) These expenses include:

- i) special clothing (maximum \$200);
- ii) required tools which are not provided by the employer (maximum \$200);
- iii) repairs on an automobile (maximum \$300). The following requirements are to be met before a request for payment for repair of an automobile is

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Section 112.82 Project Chance Supportive Services (Cont'd)

approved: The client has no other available and suitable form of transportation to and from employment. The client is unable to report to the employment unless the automobile is repaired. The client has a valid driver's license and has provided evidence of insurability. The automobile, when repaired, will be suitable for the purpose intended and no other obvious mechanical deficiency has been observed. The title and license of the automobile must be in the name of the client (or the client's spouse in an AFDC/AFDC-U case);

iv) auto license plate fees;

v) auto liability insurance at the cheapest rate but not to exceed \$100-\$150 or three months coverage, whichever is less costly;

vi) transportation expenses at the most reasonable and most economical rate, whichever is less. If the participant's own car is used, 15¢ per mile shall be authorized. A maximum payment of \$3.00 per day shall be approved;

vii) child care;

viii) physical examinations prior to employment if required and not provided by the employer;

ix) other required items related to a specific job (maximum \$300); and

x) item(s) or service(s) purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Item(s) and service(s) may include but are not limited to the purchase of fire

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Section 112.82

Project Chance Supportive Services (Cont'd)

- C) Initial employment expenses will not be authorized to purchase fire arms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.
- D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services' licensed child care provider.

f) These allowances are exempt from consideration in determining the AFDC grant amount.

g) Ancillary Supportive Services

- 1) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed and the service is available in the community at no cost to the Department, to enable them to participate in Project Chance:

- A) vocational rehabilitation;
- B) emergency intervention services;
- C) substance abuse or domestic violence programs;
- D) life skills training activities;
- E) family planning/sex education;
- F) parenting skills; and
- G) family counseling.

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Section 112.82 Project Chance Supportive Services (Cont'd)

- 2) Child care and transportation at the Department's established rates may be provided to enable Project Chance participants to receive ancillary supportive services if they also participate in a component activity.
- 3) Regarding emergency intervention services, Project Chance staff will refer the participant to the appropriate local office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services will be discussed with the participant when a review of the participant's employability plan is made.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: APPLICATION PROCESS

2) Code Citation: 89 Ill. Adm. Code 110

3) Section Number: Proposed Action:

110.30 Amendment

4) Statutory Authority: Sections 11-4, 11-6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 11-4, 11-6 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: Under current policy, assistance begins for an applicant for General Assistance either the date of decision on the application or thirty (30) days from the date of application, whichever date is earlier.

With this rulemaking, General Assistance will begin for all eligible applicants thirty (30) days from the date of application.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Number Proposed Action Illinois Register Citation

110.10 Amendment November 22, 1991
(15 Ill. Reg. 16845)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois

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Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd floor, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 110
APPLICATION PROCESS

Section	Incorporation By Reference
110.1	Application For Assistance
110.10	Local Office Action on Application for Public Assistance
110.15	Time Limitations On the Disposition On An Application
110.20	Approval of An Application and Initial Authorization of Financial Assistance
110.30	Approval of An Application and Initial Authorization of Medical Assistance (MAG)
110.32	Approval of An Application and Initial Authorization of Medical Assistance - No Grant (MANG)
110.34	Approval of An Application and Initial Authorization of General Assistance and Aid to the Medically Indigent
110.36	General Assistance and Aid to the Medically Indigent -- Special Approval Provisions
110.38	Denial of An Application
110.40	

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 44, p. 167, effective October 19, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 6 Ill. Reg. 8125, effective July 1, 1982; codified at 7 Ill. Reg. 5195; amended at 8 Ill. Reg. 6760, effective May 3, 1984; amended at 9 Ill. Reg. 6798, effective April 30, 1985; amended at 9 Ill. Reg. 13087, effective August 16, 1985; amended at 12 Ill. Reg. 11457, effective July 1, 1988; amended at 13 Ill. Reg. 3836, effective March 10, 1989; amended at 13 Ill. Reg. 10628, effective June 22, 1989; amended at 14 Ill. Reg. 13198, effective August 6, 1990; amended at 16 Ill. Reg. _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 110.30 Approval of An Application and Initial Authorization of Financial Assistance

- a) Financial assistance (for Aid to the Aged, Blind or Disabled, Interim Assistance and Aid to Families with Dependent Children, and General Assistance) shall be authorized effective from the earlier of:

- 1) The date of decision on the current application; or
 - 2) Thirty days after the date of application provided the case is eligible on that date; or
- b) General Assistance (City of Chicago Only)

- 1) Financial assistance for General Assistance shall be authorized effective thirty days following the date of application.

- 3)2) In the City of Chicago, if If General Assistance (GA) is approved as a result of termination of Aid to Families With Dependent Children (AFDC) or Aid to the Aged, Blind or Disabled (AABD) assistance or deletion (AFDC only) for certain non-financial reasons (see 89 Ill. Adm. Code 102.70(f)), assistance shall be authorized with no gap if an application is filed within thirty (30) days of the notice of termination of AFDC or AABD or deletion (AFDC only) (see also 89 Ill. Adm. Code 102.70).

- b)C) If the applicant is determined eligible for financial assistance, the notice (see Section 110.20) shall state the amount of financial assistance to be provided, and a statement of the reasons for any partial grant amounts. Partial grant amount is defined as the maximum grant that a family unit for whom application for public assistance was filed is eligible to receive, less any reductions resulting from the consideration.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Number: Proposed Action:

140.579 Amendment

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, pars. 5-5.1 et seq. and 12-13)

5) A Complete Description of the Subjects and Issues Involved: Section 140.579 is being revised to provide Specialized Living Centers (SLCs) with equitable capital reimbursement relative to the other long term care facilities. The Department recently made changes in the reimbursement for capital costs for long term care facilities which were effective July 1, 1991. These changes resulted in increased rates for equipment, rent, vehicle and working capital. SLC facilities were inadvertently excluded from receiving these capital rate increases because capital rates for SLCs are calculated according to a separate methodology. Since SLC facilities are not receiving these rate increases, and their capital rates have not been increased for eight years, changes are now being made to increase capital rates for SLCs effective October 1, 1991.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

140.11 Amendment May 10, 1991
(15 Ill. Reg. 6949)140.27 Amendment January 3, 1992
(16 Ill. Reg. 65)

ILLINOIS REGISTER

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NOTICE OF PROPOSED AMENDMENT

Section Numbers Proposed Action Illinois Register Citation

140.94 Amendment November 8, 1991
(15 Ill. Reg. 15933)140.95 Amendment November 8, 1991
(15 Ill. Reg. 15933)140.440 Amendment August 30, 1991
(15 Ill. Reg. 12171)140.441 Amendment August 30, 1991
(15 Ill. Reg. 12171)140.442 Amendment August 30, 1991
(15 Ill. Reg. 12171)140.449 Amendment August 30, 1991
(15 Ill. Reg. 12171)140.469 Amendment September 20, 1991
(15 Ill. Reg. 13685)140.512 Amendment September 13, 1991
(15 Ill. Reg. 13274)140.513 Amendment September 13, 1991
(15 Ill. Reg. 13274)140.514 Amendment August 16, 1991
(15 Ill. Reg. 11555)140.526 Repealed January 10, 1992
(16 Ill. Reg. 472)140.527 Repealed January 10, 1992
(16 Ill. Reg. 472)140.528 Repealed January 10, 1992
(16 Ill. Reg. 472)140.529 Repealed January 10, 1992
(16 Ill. Reg. 472)140.530 Amendment November 8, 1991
(15 Ill. Reg. 15933)140.538 Amendment November 8, 1991
(15 Ill. Reg. 15933)

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Section Numbers	Proposed Action	Illinois Register Citation
140.539	Amendment	January 10, 1992 (16 Ill. Reg. 472)
140.552	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.560	Amendment	April 19, 1991 (15 Ill. Reg. 5585)
140.561	Amendment	May 17, 1991 (15 Ill. Reg. 7482)
140.562	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.565	Amendment	January 24, 1992 (16 Ill. Reg. 1492)
140.569	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.583	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.600	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.602	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.604	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.608	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.610	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.612	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.614	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.835	Repealed	November 8, 1991 (15 Ill. Reg. 15933)

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local government units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Daniel Leikvold, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217)782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 19, 1992

B) Types of small businesses affected: Medical Providers

C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.

D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

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Medical Assistance Programs
Covered Services Under The Medical Assistance
Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP,
Individuals Under Age 18 Not Eligible for AFDC,
Pregnant Women Who Would Be Eligible if the Child
Were Born and Pregnant Women and Children Under Age
Eight Who Do Not Qualify As Mandatory Categorically
Needy
Covered Medical Services Under AFDC-MANG for
non-pregnant persons who are 18 years of age or
older (Repealed)

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Covered Medical Services Under GA
Medical Services Not Covered
Medical Assistance Provided to Individuals Under
the Age of Eighteen Who Do Not Qualify for AFDC and
Children Under Age Eight
Medical Assistance For Qualified Severely Impaired
Individuals

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Medical Assistance for a Pregnant Woman Who Would
Not Be Categorically Eligible for AFDC/AFDC-MANG if
the Child Were Already Born Or Who Do Not Qualify
As Mandatory Categorically Needy
Medical Assistance Provided to Incarcerated Persons

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SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

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Enrollment Conditions for Medical Providers
Participation Requirements for Medical Providers
Definitions
Denial of Application to Participate in the Medical
Assistance Program
Recovery of Money

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Termination of a Vendor's Eligibility to
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Suspension of a Vendor's Eligibility to Participate
in the Medical Assistance Program

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Effect of Termination on Individuals Associated
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Subsequent to Termination, Suspension or Barring
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Covered Medicaid Services for Qualified Medicare
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Payment of Claims
Payment Procedures
Overpayment or Underpayment of Claims
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Assignment of Vendor Payments
Record Requirements for Medical Providers
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False Reporting and Other Fraudulent Activities
Prior Approval for Medical Services or Items
Prior Approval in Cases of Emergency
Limitation on Prior Approval
Post Approval for Items or Services When Prior
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Reimbursement for Medical Services Through the Use
of a C-13 Invoice Voucher Advance Payment and
Expedited Payments
Drug Manual (Recodified)
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Hospital Services
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Heart Transplants (Recodified)
Liver Transplants (Recodified)
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Disproportionate Share Hospital Adjustments
(Recodified)
Payment for Inpatient Services for GA (Recodified)
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Payment for Hospital Services During Fiscal Year
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140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)	
140.203	Limits on Length of Stay by Diagnosis (Recodified)	
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)	
140.350	Copayments (Recodified)	
140.360	Payment Methodology (Recodified)	
140.361	Non-Participating Hospitals (Recodified)	
140.362	Pre July 1, 1989 Services (Recodified)	
140.363	Post June 30, 1989 Services (Recodified)	
140.364	Prepayment Review (Recodified)	
140.365	Base Year Costs (Recodified)	
140.366	Restructuring Adjustment (Recodified)	
140.367	Inflation Adjustment (Recodified)	
140.368	Volume Adjustment (Repealed)	
140.369	Groupings (Recodified)	
140.370	Rate Calculation (Recodified)	
140.371	Payment (Recodified)	
140.372	Review Procedure (Recodified)	
140.373	Utilization (Repealed)	
140.374	Alternatives (Recodified)	
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140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)	
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140.428	Chiropractic Services	
140.429	Limitations on Chiropractic Services (Repealed)	
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140.518	Facility Management of Funds
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140.520	Management of Recipient Funds--Local Office Responsibility
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140.525	Eligibility For Quality Incentive Program (QUIP)
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.527	Quality Incentive Survey
140.528	Payment of Quality Incentive Reviews
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140.563	Incentive Payments for Quality Care (Repealed)
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140.571	Fair Rental Value (FRV) Calculation
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140.573	Other Capital Provisions
140.574	Capital Costs for Rented Facilities
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140.577	Capital Costs for Rented Facilities (Renumbered)
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140.642	Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Medical and In-Home Care For Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
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140.880	Provider Qualifications
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140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)

SUBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

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140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
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140.908	Times and Staff Levels (Recodified)
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140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)

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Section 140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140. TABLE A	Medicheck Recommended Screening Procedures (Repealed)
140. TABLE B	Health Service Areas
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; preemptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983;

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amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; preemptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; preemptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; preemptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg.

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7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 Table A and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg.

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17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279,

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effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. . . . , effective

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART E: GROUP CARE

Section 140.579 Specialized Living Centers

Specialized Living Centers (SLC's) shall divide their reimbursement for capital expenses with the State. The facility shall be reimbursed for actual capital expenses up to a maximum of \$2-\$3.50 per day for services provided on or after October 1, 1991. The balance of the capital reimbursement shall be retained by the State. In addition, for SLC's incurring necessary major capital improvements due to correction of original construction deficiencies or necessary major construction improvements mandated by the Department of Public Health (see Section 140.581) the expenses of such improvements will be paid up to a maximum of \$2.00 per day.

(Source: Amended at 16 Ill. Reg. . . . , effective)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part:

Ambulatory Surgical Treatment Center Licensing Requirements

2) Code Citation:

77 Ill. Adm. Code 205

3) Section Numbers:

205.620

Proposed Action:

Amendments

4) Statutory Authority:

Ambulatory Surgical Treatment Center Licensing Act
Ill. Rev. Stat. 1989 and 1990 Supp., ch. 111 1/2, par. 157-8.1 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The Department of Public Health is proposing these amendments to the rules governing the licensure of ambulatory surgical treatment centers in order to require the submission of statistical information which is more complete and more useful. The Department has consulted with the Ambulatory Surgical Treatment Center Licensing Board in the development of these proposed amendments.

The specific changes which are being proposed in Section 205.620 will require surgical centers to report the number of surgical cases which are treated as well as the total number of surgical procedures performed. This change is in response to concerns expressed by surgical centers about the completeness of the information required. Since more than one surgical procedure may be performed during a single surgical case, requiring centers to report both items will provide more complete information. Other proposed changes in the required information are intended to allow the Department to correlate numbers and types of complications, hospitalizations, and deaths with specific surgical procedures. The current requirements do not require information which can be correlated.

The Department does not anticipate any economic impact from these proposed amendments. Collection and reporting of the data will not be significantly more difficult under the proposed changes. Any comments on the anticipated economic impact of the proposed changes from affected surgical centers will be considered. The Department anticipates adoption of these proposed amendments six to nine months from the date of publication of this notice in the *Illinois Register*.

6) Will these Proposed Amendments Replace an Emergency Rule Currently in Effect? No.

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7) Does this Rulemaking contain an Automatic Repeal Date? No.

8) Do these Proposed Amendments Contain Incorporations By Reference? No.

9) Are there any other Proposed Amendments Pending on this Part? No.

Section Numbers	Proposed Action	Ill. Reg. Citation
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10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, within 45 days after this edition of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Administrative Procedure Act, any small business may present their comments in writing to Gail DeVito at the above address.

Any small business (as defined in Section 3.10 of the Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Ambulatory Surgical Treatment Centers

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required for compliance.

D) Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIESPART 205
AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section	Definitions
205.110	Incorporated and Referenced Materials
205.115	Conditions of Licensure
205.118	Application for Initial Licensure
205.120	Application for License Renewal
205.125	Approval of Surgical Procedures
205.130	

SUBPART B: OWNERSHIP AND MANAGEMENT

Section	Ownership, Control and Management
205.210	Organizational Plan
205.220	Standards of Professional Work
205.230	Policies and Procedures Manual
205.240	

SUBPART C: PERSONNEL

Section	Personnel Policies
205.310	Presence of Qualified Physician
205.320	Nursing Personnel
205.330	Basic Life Support
205.340	Laboratory Services
205.350	

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section	Equipment
205.410	Sanitary Facility
205.420	

SUBPART E: GENERAL PATIENT CARE

Section	Emergency Care
205.510	

DEPARTMENT OF PUBLIC HEALTH

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205.520	Preoperative Care
205.530	Operative Care
205.540	Postoperative Care

SUBPART F: RECORDS AND REPORTS

Section	Clinical Records
205.610	Statistical Data
205.620	

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section	Pregnancy Termination Specialty Centers
205.710	Personnel (Repealed)
205.720	General Patient Care (Repealed)
205.730	Preoperative Requirements (Repealed)
205.740	Postoperative Requirements (Repealed)
205.750	Reports (Repealed)
205.760	

SUBPART H: LICENSURE PROCEDURES

Section	Complaints
205.810	Notice of Violation
205.820	Plan of Correction
205.830	Adverse Licensure Action
205.840	Fines and Penalties
205.850	Hearings
205.860	

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS, AND PHYSICAL REQUIREMENTS

Section	Plant and Service Requirements
205.1310	General Considerations
205.1320	New Construction, Additions and Major Alterations
205.1330	Minor Alterations and Remodeling Changes
205.1340	Administration Department and Public Areas
205.1350	Clinical Facilities
205.1360	Support Service Areas
205.1370	Diagnostic Facilities
205.1380	Other Building Services
205.1390	Details and Finishes
205.1400	

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NOTICE OF PROPOSED AMENDMENTS

205.1410 Construction, Including Fire Resistive Requirements

SUBPART J: MECHANICAL

Section

205.1510 General
205.1520 Thermal and Acoustical Insulation
205.1530 Steam and Hot Water Systems
205.1540 Air Conditioning, Heating and Ventilating Systems

SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section

205.1610 General
205.1620 Plumbing Fixtures
205.1630 Water System
205.1640 Drainage Systems
205.1650 Identification

SUBPART L: ELECTRICAL

Section

205.1710 General
205.1720 Switchboards and Power Panels
205.1730 Panelboards
205.1740 Lighting
205.1750 Receptacles (Convenience Outlets)
205.1760 Grounding
205.1770 Equipment Installation in Special Areas
205.1780 Emergency Electric Service
205.1790 Fire Alarm System

205. TABLE A

General Pressure Relationships and Ventilation Rates of Ambulatory Surgery Area

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 111 1/2, par. 157-8.1 et seq.).

SOURCE:

Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806,

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effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 16 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART F: RECORDS AND REPORTS

Section 205.620 Statistical Data

- a) Each ambulatory surgical treatment center shall submit to the Department clinical statistical data including the following:
 - 1) the total number of surgical cases treated by the center.
 - 2) the number and type of each specific surgical procedure performed.
 - 3) the number and type of complications reported, including the specific procedure associated with each complication.
 - 4) the number of patients requiring transfer to a licensed hospital for treatment of complications. List the procedure performed and the complication which prompted each transfer.
 - 4) the number of patients returning for follow-up contact.
 - 5) the number of deaths, including the specific procedure which was performed.
- b) This clinical statistical data shall be submitted to the Department no later than April 1 of each year for the preceding calendar year.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED RULES

1) Heading of the Part: Americans With Disabilities Act
Grievance Procedure

2) Code Citation: 4 Ill. Adm. Code 300

<u>Section Numbers:</u>	<u>Proposed Action:</u>
300.10	New Rule
300.20	New Rule
300.30	New Rule
300.40	New Rule
300.50	New Rule
300.60	New Rule
300.70	New Rule

4) Statutory Authority: Section 3 of the Disabled Persons
Rehabilitation Act (Ill. Rev. Stat. 1989, ch. 23, par.
3434(a)), and authorized by Section 16 of the Civil
Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch.
127, par 16)

5) A Complete Description of the Subjects and Issues
Involved: The ADA Grievance Procedures were developed to
ensure the Department is in compliance with the Americans
with Disabilities Act.

6) Will this proposed rule replace an emergency rule currently
in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes X No

8) Does this proposed rule (amendment, repealer) contain
incorporations by reference? No

9) Are there any other amendments pending on this Part? No

Section Numbers Proposed Action Illinois Register
Citation

10) Statement of Statewide Policy Objectives (if applicable):
Not Applicable

11) Time, Place, and Manner in which interested persons may
comment on this proposed rulemaking: Interested persons
may present their comments concerning these rules within 45
days after this issue of the Illinois Register. All
requests and comments should be submitted in writing to:

NOTICE OF PROPOSED RULES

Ms. Susan Warner, Acting Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 785-9301

If because of physical disability you are unable to put
comments into writing, you may make them orally to the
person listed above.

12) Initial Regulatory Flexibility Analysis: The Department
has determined that this rulemaking will not affect small
businesses.

The full text of the Proposed Rule(s) begins on the next
page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

TITLE 4: SOCIAL SERVICES
CHAPTER IX: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER a: General Program Provisions

PART 300

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section

- 300.10 Purpose
- 300.20 Definitions
- 300.30 Procedures
- 300.40 Designated Coordinator Level
- 300.50 Final Level
- 300.60 Accessibility
- 300.70 Case-by-case Resolution

AUTHORITY: Implementing Section 3 of The Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1989, ch. 23, par. 3434(a)), and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 16)

SOURCE: Adopted and codified at 16 Ill. Reg. ___, effective _____.

Section 300.10 Purpose

- a) This ADA Grievance Procedure ("Procedure") is established pursuant to the Americans With Disabilities Act of 1990, 42 USC Section 12101 et seq., ("ADA") and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, the Designated Coordinator shall provide such assistance.
- b) In general, the ADA requires that each program, service, and activity offered by Illinois Department of Rehabilitation Services (DORS), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of DORS to foster open communication with all individuals requesting readily

DEPARTMENT OF REHABILITATION SERVICES

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accessible programs, services and activities. DORS encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

- d) Nothing in this Part shall preclude DORS from hearing appeals under 89 Ill. Adm. Code 510, Appeals and Hearings. Further, the Procedure in this Part does not apply to "clients" as defined by 89 Ill. Adm. Code 510.10.

Individuals who fall under the category of "client", as defined in 89 Ill. Adm. Code 510, shall be required to follow the procedures outlined in 89 Ill. Adm. Code 510.

Any individual who is unclear as to the Part under which he/she should file an appeal or grievance should first contact the Designated Coordinator.

Section 300.20 Definitions

a) Grievance

A grievance is any complaint under the ADA by an individual or individuals with a disability who:

- 1) meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by DORS, and
- 2) believes he or she has been excluded from participation in, or denied the benefits of any program, service or activity of DORS or has been subject to discrimination by DORS.

b) Complainant

A Complainant is an individual with a disability, an individual who has a record of disability, an individual regarded as having a disability or an individual known to have a relationship or association with an individual with a disability who files a Grievance Form provided by DORS under this procedure.

c) Designated Coordinator

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

The Designated Coordinator is the person(s) appointed by DORS Director who is/are responsible for the coordination of efforts of DORS to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. See 28 CFR 35.107.

- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Director of DORS within ten (10) business days after receipt of the Grievance Form.

Section 300.30 Procedures

Section 300.50 Final Level

- a) Grievances must be submitted through the channels defined below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the Complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A Complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits shall mean that the Complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as DORS' last response.
- c) DORS shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this Procedure and the Grievance Form.

Section 300.40 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance shall be provided by DORS to complete the Grievance Form.

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Director of DORS for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the Designated Coordinator's response.
- b) The Director shall appoint a 3-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairman.
- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have the right to appoint a representative to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon reaching a concurrence, the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall also sign such recommendation.
- e) Upon receipt of recommendations from a panel, the Director shall approve, disapprove or modify the panel recommendations, shall render a decision thereon in writing, shall state the basis therefore, and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If

the Director disapproves or modifies the Panel recommendations, the Director shall include written reasons for such disapproval or modification.

Section 300.60 Accessibility

DORS shall ensure that all stages of the Procedure are readily accessible to and usable by individuals with disabilities.

Section 300.70 Case-by-case Resolution

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship (28 CFR 36.104) on DORS. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

1) Heading of the Part: Tools, Equipment, Supplies and Initial Stock

2) Code Citation: 89 Ill. Adm. Code 597

3) Section Numbers: Proposed Action:
597.20 Amendments

4) Statutory Authority: Implementing and authorized by Sections 3(a), (b) and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1987, ch. 23, pars. 3434 (a), (b), and (k)).

5) A Complete Description of the Subjects and Issues involved: The amendments clarify the time period for which clients receiving self-employment enterprise services must submit financial statements to DORS and put a \$7000.00 cap on DORS' participation in such programs.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
 Yes X No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

Section Numbers Proposed Action Illinois Register Citation

10) Statement of Statewide Policy Objectives (if applicable):
Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Acting Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

Telephone number: (217) 785-3896
T.D.D.: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 597

TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section	
597.10	General Applicability
597.15	Purchase of Tools, Equipment, and Stock
597.20	Tools, Equipment, Supplies and Initial Stock
597.100	Services not Available
597.150	Vendor Requirements
597.200	Adaptive Equipment for Vehicles
597.300	Home Modifications
597.310	Written Agreements for Home Modifications
597.320	Capital Development Board Specifications
597.330	Electronic Equipment
597.400	Responsibility for Sales Tax and Interest/Service Charges
597.410	Bidding Requirements

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a), (b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8843, effective June 10, 1985; amended at 10 Ill. Reg. 10749, effective June 4, 1986; amended at 11 Ill. Reg. 4320, effective March 2, 1987; amended at 11 Ill. Reg. 15229, effective August 31, 1987; amended at 11 Ill. Reg. 19133, effective November 9, 1987; amended at 13 Ill. Reg. 1568, effective January 23, 1989; amended at 13 Ill. Reg. 16558, effective October 10, 1989; amended at 16 Ill. Reg. _____, effective _____.

Section 597.20 Tools, Equipment, Supplies and Initial Stock
Tools, equipment, supplies, and initial stock, i.e., necessary to begin a business, provided to a client as part of the Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572) are the property of DORS. Prior to the provision of these services, the client must furnish complete evidence of his/her qualifications for, interests in, and need for such employment as determined from the Thorough Diagnostic Study (89 Ill. Adm. Code 552.90); that personal funds and/or business loans are available as shown by loan papers and bank account balances; and that the proposed enterprise offers a reasonable

chance for a successful and long-range occupation with eventual actual net earnings to meet the major portion of usual living expenses for the client and his/her family as established by a market survey, projected balance sheet estimating operational costs and revenues, a plan for development of the business, testimonials by professionals in that business, signed contracts and sub-contracts, and opinions from consultants in that area as needed. The client must provide the counselor with monthly income statements indicating profit or loss after the business has been approved and established by DORS for a period of six months. The client must maintain the tools, equipment and supplies in good repair. Title to such goods shall be assigned to the client after six months from date of installation or use by the client if the goods are still in use for the purpose identified in the IWRP and have been kept in good repair. DORS participation in these services to an individual client shall be limited to \$7000.00.

(Source: Amended at — Ill. Reg. —, effective _____)

- 1) Heading of the Part: Americans with Disabilities Act Grievance Procedure

2) Code Citation: 4 Ill. Adm. Code 100

3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
100.10	New
100.20	New
100.30	New
100.40	New
100.50	New
100.60	New
100.70	New

4) Statutory Authority: Implementing and authorized by the Americans with Disabilities Act of 1990, 42 USC Section 12101 et seq.

5) A Complete Description of the Subjects and Issues Involved: Grievance procedures required to implement the Americans with Disabilities Act.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Provide an internal procedure to afford grievants an opportunity for redress prior to filing an external complaint on lack of access to programs and employment by persons with disabilities.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 30 days from the publication of this notice to:

Elizabeth M. Vogt
Assistant Counsel
298 Centennial Building
Springfield, Illinois 62706

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 20, 1992

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- a) Types of small businesses affected: The grievance procedures will not affect small businesses regulated by the Secretary of State.
- c) Reporting, bookkeeping or other procedures required for compliance: Small businesses will not be required to undertake any reporting or bookkeeping activities pursuant to this Part.
- D) Types of professional skills necessary for compliance: No professional skills are required of small businesses pursuant to this Part.

The full text of the Proposed Rule(s) begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER I: SECRETARY OF STATE

PART 100

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

- 100.10 Purposes
100.20 Definitions
100.30 Procedure
100.40 Designated Coordinator Level
100.50 Final Level
100.60 Accessibility
100.70 Case-By-Case Resolution

AUTHORITY: Implementing and authorized by the Americans with Disabilities Act of 1990, 42 USC Section 12101 et seq.

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

Section 100.10 Purposes

- a) This Grievance Procedure ("Procedure") is established pursuant to the Americans With Disabilities Act of 1990, 42 USC Section 12101 et seq., (ADA) and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service, and activity offered by the Office of the Secretary of State, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Office of the Secretary of State to foster open communication with all individuals requesting readily accessible programs, services and activities. The Secretary of State encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 100.20 Definitions

"Complainant" is an individual with a disability who files a Grievance Form provided by the Office of the Secretary of State under this procedure.

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NOTICE OF PROPOSED RULES

"Designated Coordinator" is the person(s) appointed by the Illinois Secretary of State who is/are responsible for the coordination of efforts of the Office of the Secretary of State to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. See 28 CFR 35.107.

"Grievance" is any complaint under the ADA that is reduced to writing by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Office of the Secretary of State, and believes he or she has been excluded from participation in, or denied the benefits of any program, service or activity of the Office of the Secretary of State or has been subject to discrimination by the Office of the Secretary of State.

"Grievance Form" is prescribed for the purpose of filing a grievance under this section and includes information such as name, address, phone number, nature of the grievance with specificity including date of incident, time, place and witnesses if applicable.

Section 100.30 Procedure

a) Grievances must be submitted in accordance with procedures established in 100.40 and 100.50 of this Part defined below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer at the Designated Coordinator Level and/or the Final Level.

b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response from the Office of the Secretary of State given in the grievance procedure.

c) The Office of the Secretary of State shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this Procedure and the Grievance Form.

Section 100.40 Designated Coordinator Level

a) If an individual desires to file a grievance, the individual shall promptly, but no later than one-hundred eighty (180) days after the alleged discrimination, submit the grievance to the Designated

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive consideration by the Designated Coordinator.

b) Upon request, assistance in completing the Grievance Form shall be provided by the Office of the Secretary of State.

c) The Designated Coordinator, or his/her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Secretary within fifteen (15) days after receipt of the Grievance Form.

Section 100.50 Final Level

a) If the grievance is not resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Secretary for final review. The complainant shall submit these documents to the Secretary, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the Designated Coordinator's response.

b) Within fifteen (15) days, the Secretary shall appoint a three-member panel to review the grievance at the Final Level. One member so appointed shall be the designated chairperson. The panel shall schedule a review of the grievance which shall commence no later than fifteen (15) days after the last member of the panel is appointed.

c) Complainant shall be afforded an opportunity to appear before the panel. Complainant shall have the right to appoint a representative to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.

d) Upon agreement of at least two (2) of the panel members, but not later than fifteen (15) days after the review in Section 100.50 (b) above, the panel shall make recommendations in writing to the Secretary as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Secretary in writing and shall sign such recommendation.

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e) Within ten (10) days of receipt of recommendation(s) from a panel, the Secretary, or designee, shall approve, disapprove or modify the panel recommendations; shall render a decision thereon in writing; shall state the basis therefore; and shall cause a copy of the decision to be served on the parties. The Secretary's decision shall be final. If the Secretary disapproves or modifies the panel recommendations, the Secretary may include written reasons for such disapproval or modification.

f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the Secretary shall be maintained in accordance with the State Records Act (Ill. Rev. Stat. 1989, ch. 116, par. 43.3 et seq.), or as otherwise required by law.

Section 100.60 Accessibility

The Office of the Secretary of State shall ensure that all stages of the procedure are readily accessible to and usable by individuals with disabilities.

Section 100.70 Case-By-Case Resolution

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Office of the Secretary of State. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

ILLINOIS REGISTER

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Pay Plan
 - 2) The Code Citation: 80 Ill. Adm. Code 310
 - 3) Section Numbers:

310.110	Amended	<u>Adopted Action:</u>
310.130	Amended	
310.280	Amended	
310.290	Amended	
310. Appendix B	Amended	
 - 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 127, par. 63b108a(2)
 - 5) Effective Date of Amendment: February 20, 1992
 - 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
If 'yes', please specify date:
 - 7) Does this amendment contain incorporation by reference? No
If 'yes', was a copy of the approval form issued by JCAR attached to this rulemaking?
- These amendments do not contain any incorporations by reference.
- 8) Date filed in Agency's Principal Office: February 20, 1992
 - 9) Notice of Proposal Published in Illinois Register:
August 30, 1991, Issue #35, 15 Ill. Reg. 12051
 - 10) Has JCAR issued a Statement of Objections to this rule? No
If answer is 'yes', please complete the following:
 - A) Statement of Objection: _____, Ill. Reg. _____
(Issue Date)
 - B) Agency Response: _____, Ill. Reg. _____
(Issue Date)
 - C) Date Agency Response Submitted for Approval to JCAR?
 - 11) Difference between proposal and final version:

There were no changes made to the original amendments.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending to this part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.100	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.230	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.490	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table C	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table D	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table E	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table F	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table G	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table H	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table I	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table J	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table K	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table O	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table P	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table Q	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table R	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table S	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table W	Amended	16 Ill. Reg. 342 (January 10, 1992)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF ADOPTED AMENDMENTS

310.Appendix A, Table X	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table Y	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.Appendix A, Table Z	Amended	16 Ill. Reg. 342 (January 10, 1992)

15) Summary and Purpose of Amendment:

In Sections 310.110, 310.130, 310.290 and 310. Appendix B, the revisions to these sections were in reference to changing the dates to reflect the new fiscal year. In Sections 310.290 and 310. Appendix B, the rates are remaining the same for Fiscal Year 1992.

In Section 310.280, Designated Rate, a State Police Program Executive position (annual salary \$67,889) for the Department of State Police and a Technical Advisor V position (annual salary \$75,000) for the Commission of Banks and Trust were added as previously approved by the Governor to be subject to the Designated Rate section of the Pay Plan.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Mr. Michael Murphy
Address: Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706

Telephone: (217) 782-5601

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes, Effective July 1, 1990

Interpretation and Application of Pay Plan

Effective Date

Reinstitution of Within Grade Salary Increases

Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1992
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSOME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, ISEA)
TABLE H	RC-006 (Corrections Employees, AFSOME)
TABLE I	RC-009 (Institutional Employees, AFSOME)
TABLE J	RC-014 (Clerical Employees, AFSOME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M	RC-027 (Educators, AFSOME) (Repealed)
TABLE N	RC-027 (Physician Rates, AFSOME) (Repealed)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSOME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)
TABLE Q	RC-033 (Meat Inspectors, ISEA)
TABLE R	RC-042 (Residual Maintenance Workers, AFSOME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1991-1992
APPENDIX C	Physician Administrator Rates and Medical Facilities Administrator Rates for Fiscal Year 1992
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1992
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1989, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of

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150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989;

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amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7632, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992.

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Section 310.110 Implementation of Pay Plan Changes, Effective July 1, 1990 1991

Effective July 1, 1990 1991, the rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades -- Monthly and Annual Rates of Pay for Fiscal Year 1991 1992.

(Source: Amended at 16 Ill. Reg. 3450, effective February 20, 1992.)

Section 310.130 Effective Date

The effective date of this Pay Plan Narrative (Subpart A), Schedule of Rates (Subpart B), and Schedule of Salary Grades (Appendix B), shall be July 1, 1990 1991.

(Source: Amended at 16 Ill. Reg. 3450, effective February 20, 1992.)

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Banks and Trust Commission

Technical Advisor IV

(Pos. No. 45254-50-92-300-00-01)

Annual Salary
50,000

Technical Advisor V

(Pos. No. 45255-50-92-400-00-01)

Annual Salary
75,000

Department of Central Management Services

Executive Press Photographer

(Pos. No. 14000-37-05-000-00-36)

Annual Salary
31,896

Information System Specialist II

(Pos. No. 21212-37-10-000-09-08)

Annual Salary
53,172

Department of Commerce & Community Affairs

Commerce & Community Affairs Program Executive

(Pos. No. 08400-42-30-000-00-01)

Annual Salary
70,680

Commerce & Community Affairs Program Executive (Pos. No. 08400-42-40-000-00-01)	<u>Annual Salary</u> 71,184
Executive V (Pos. No. 13855-42-40-500-00-01)	<u>Annual Salary</u> 66,612
Department of Conservation	
Administrative Assistant IV (Pos. No. 00504-12-00-000-40-02)	<u>Annual Salary</u> 60,000
Executive III (Pos. No. 13853-12-31-600-00-01)	<u>Annual Salary</u> 54,024
Executive V (Pos. No. 13855-12-33-000-00-01)	<u>Annual Salary</u> 67,200
Health Care Cost Containment Council	
Executive V (Pos. No. 13855-50-72-000-00-01)	<u>Annual Salary</u> 64,644
Illinois Arts Council	
Executive Director of the Illinois Arts Council (Pos. No. 13868-50-90-000-00-01)	<u>Annual Salary</u> 55,000
Department of Insurance	
Deputy Director (Pos. No. 12200-14-00-000-00-01)	<u>Annual Salary</u> 72,600
Insurance Program Executive (Pos. No. 21676-14-30-000-00-01)	<u>Annual Salary</u> 77,760
Department of Mental Health and Development Disabilities	
Pharmacy Services Manager (Pos. No. 32015-22-59-914-10-01)	<u>Annual Salary</u> 45,000
Physician Administrator II (Pos. No. 32212-22-15-600-00-01)	<u>Annual Salary</u> 90,000

Department of Public Aid	
Public Aid Program Executive II (Pos. No. 35889-33-00-000-00-51)	<u>Annual Salary</u> 70,008
Department of State Police	
Deputy Director (Pos. No. 12200-21-00-000-00-01)	<u>Annual Salary</u> 62,769
Executive V (Pos. No. 13855-21-00-000-40-01)	<u>Annual Salary</u> 55,615
State Police Program Executive (Pos. No. 42250-21-10-000-00-01)	<u>Annual Salary</u> 67,889
(Source: Amended at 16 Ill. Reg. 3450, effective February 20, 1992.)	

Section 310.290 Out-of-State or Foreign Service Rate

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Title	Range	Effective Fiscal Year
Foreign Service Economic Development Executive I	2634 - 4561	1991
Foreign Service Economic Development Executive II	3415 - 5998	1992
Foreign Service Economic Development Representative	2268 - 3793	
Office Assistant (Foreign Service)	1566 - 1934	
Office Associate (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	1676 - 2101 1894 - 2375	

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Office Coordinator (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	1739 - 2191 1966 - 2477
Revenue Audit Supervisor (OH, TX) (CA, NJ)	2997 - 5284 3388 - 5974
Revenue Auditor I (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	2369 - 3099 2678 - 3504
Revenue Auditor II (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	2620 - 3447 2961 - 3896
Revenue Auditor III (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	2919 - 3874 3299 - 4897
Revenue Auditor Trainee (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	1975 - 2527 2232 - 2856
Revenue Assistant Audit Field Manager (OH, TX) (CA, NJ)	3182 - 5655 3597 - 6392
Revenue Field Audit Manager (NJ)	3840 - 6839
Tax Examiner (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	1739 - 2191 1966 - 2477
Tax Examiner Trainee (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	1566 - 1934 1771 - 2187

(Source: Amended at 16 Ill. Reg. 3450, effective February 20, 1992.)

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Section 310. Appendix B Schedule of Salary Grades -- Monthly and Annual Rates of Pay for Fiscal Year 1991 1992

Grade	Minimum Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Maximum Step 7
1	1,170 14,040	1,206 14,472	1,239 14,868	1,274 15,288	1,315 15,780	1,349 16,188	1,413 16,956
2	1,206 14,472	1,239 14,868	1,274 15,288	1,317 15,804	1,354 16,248	1,391 16,692	1,457 17,484
3	1,239 14,868	1,274 15,288	1,318 15,816	1,357 16,284	1,395 16,740	1,436 17,232	1,509 18,108
4	1,274 15,288	1,318 15,816	1,360 16,320	1,399 16,788	1,445 17,340	1,486 17,832	1,562 18,744
5	1,318 15,816	1,362 16,344	1,407 16,884	1,452 17,424	1,495 17,940	1,539 18,468	1,616 19,392
6	1,362 16,344	1,408 16,896	1,454 17,448	1,502 18,024	1,550 18,600	1,600 19,200	1,682 20,184
7	1,408 16,896	1,457 17,484	1,507 18,084	1,559 18,708	1,610 19,320	1,663 19,956	1,752 21,024
8	1,457 17,484	1,512 18,144	1,566 18,792	1,625 19,500	1,678 20,136	1,735 20,820	1,827 21,924
9	1,512 18,144	1,569 18,828	1,630 19,560	1,688 20,256	1,751 21,012	1,812 21,744	1,905 22,860
10	1,571 18,852	1,638 19,656	1,698 20,376	1,763 21,156	1,825 21,900	1,891 22,692	1,995 23,940
11	1,639 19,668	1,708 20,496	1,771 21,252	1,843 22,116	1,911 22,932	1,977 23,724	2,087 25,044
12	1,717 20,604	1,789 21,468	1,858 22,296	1,934 23,208	2,005 24,060	2,080 24,960	2,197 26,364
13	1,791 21,492	1,867 22,404	1,947 23,364	2,025 24,300	2,103 25,236	2,183 26,196	2,307 27,684
14	1,878 22,536	1,960 23,520	2,042 24,504	2,133 25,596	2,215 26,580	2,300 27,600	2,433 29,196

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15	1,961	2,053	2,141	2,229	2,321	2,408	2,551
	23,532	24,636	25,692	26,748	27,852	28,896	30,612
16	2,060	2,156	2,255	2,348	2,446	2,544	2,695
	24,720	25,872	27,060	28,176	29,352	30,528	32,340
17	2,162	2,265	2,370	2,469	2,570	2,674	2,834
	25,944	27,180	28,440	29,628	30,840	32,088	34,008
18	2,278	2,389	2,500	2,613	2,721	2,829	2,997
	27,336	28,668	30,000	31,356	32,652	33,948	35,964
19	2,402	2,524	2,643	2,764	2,881	3,002	3,184
	28,824	30,288	31,716	33,168	34,572	36,024	38,208
20	2,538	2,665	2,790	2,923	3,049	3,174	3,369
	30,456	31,980	33,480	35,076	36,588	38,088	40,428
21	2,680	2,818	2,954	3,091	3,232	3,366	3,576
	32,160	33,816	35,448	37,092	38,784	40,392	42,912
22	2,833	2,980	3,127	3,273	3,424	3,568	3,789
	33,996	35,760	37,524	39,276	41,088	42,816	45,468
23	3,005	3,165	3,326	3,484	3,644	3,803	4,042
	36,060	37,980	39,912	41,808	43,728	45,636	48,504

(Source: Amended at 16 Ill. Reg. 3450, effective February 20, 1992)

- 1) The Heading of the Part: Local Tourism and Convention Bureau Program
- 2) Code Citation: 14 Ill. Adm. Code 550
- 3) Section Numbers: Adopted Action:
550.35 Amendment
- 4) Statutory Authority: Implementing Section 46.6a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.6a) and Section 8.25 of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1990 Supp., ch. 127, par. 144.25) and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.20).
- 5) Effective Date of Amendments: February 20, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: February 14, 1992.
- 9) Notice of Proposal Published in Illinois Register: July 12, 1991 - 15 Ill. Reg. 10249.
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? JCAR did not request any changes to the rulemaking.
- 13) Will these amendments replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: This rulemaking amends the eligibility requirements of applicants for certification or recertification to receive grant funds under the Local Tourism and Convention Bureau Program to provide department standards and criteria to be used in determining whether an applicant bureau's service area includes areas that have historically or geographically consistent tourism goals. This amendment will ensure that the department is able to distribute the total grant funds available throughout the State in a fair and equitable manner.
- 16) Information and questions regarding these adopted amendments shall be

directed to:

Mr. Norm Sims, Deputy Director
Department of Commerce and Community Affairs
Bureau of Policy Development, Planning & Research
620 East Adams Street, 3rd floor
Springfield, Illinois 62701
(217) 524-4845

The full text of the Adopted Amendments begins on the next page:

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 550
LOCAL TOURISM AND CONVENTION BUREAU PROGRAM

Section	Purpose
550.10	Definitions
550.20	Formula for Allocation of Appropriations to Grantees
550.30	Eligible Applicants
550.35	Program Requirements
550.40	Administrative Requirements
550.50	Application Process
550.60	

AUTHORITY: Implementing Section 46.6a of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.6a) and Section 8.25 of "AN ACT in relation to State Finance" (Ill. Rev. Stat. 1990 Supp., ch. 127, par. 144.25) and authorized by Section 46.20 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.20).

SOURCE: Adopted at 9 Ill. Reg. 4775, effective April 4, 1985; amended at 12 Ill. Reg. 2226, effective January 19, 1988; amended at 14 Ill. Reg. 5091, effective March 20, 1990; emergency amendment at 14 Ill. Reg. 5565, effective March 28, 1990, for a maximum of 150 days; emergency expired August 25, 1990; amended at 14 Ill. Reg. 18746, effective November 9, 1990; amended at 15 Ill. Reg. 1798, effective January 29, 1991; emergency amendment at 15 Ill. Reg. 10498, effective June 26, 1991, for a maximum of 150 days; emergency expired November 23, 1991; amended at 16 Ill. Reg. 3464, effective February 20, 1992.

Section 550.35 Eligible Applicants

Bureaus eligible to receive funds are defined as those bureaus in legal existence as of January 1, 1985, which are either a unit of local government or incorporated as a not-for-profit organization, are affiliated with one or more municipality or county, and employ one full time (Section 46.6a(1) of the Act) paid, professional executive director/chief executive officer that devotes at least 35 hours per week to the development and growth of tourism within a bureau's region. In addition, the Department shall not certify or recertify a bureau with an expanded service area if the Department determines that the tourism objectives of the additional area do not correspond with the tourism objectives of the original bureau service area. In making this determination, the Department shall consider such factors as: the geographic size of the proposed expanded area, the historic promotional relationship between the existing bureau area and the proposed expanded area, and whether the proposed expanded area is currently serviced by another tourism entity.

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(Source: Amended at 16 Ill. Reg. 3464, effective February 20, 1992)

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED
2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Adopted Action:

113.40	Amendment
113.50	Amendment
113.302	Repealed
113.400	New Section
113.405	New Section
113.410	New Section
113.415	New Section
113.420	New Section
113.425	New Section
113.430	New Section
113.435	New Section
113.440	Renumbered and Amended
113.445	New Section

- 4) Statutory Authority: Sections 3-1a, added by Public Act 87-14, effective July 24, 1991, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 3-1a and 12-13 and 2-25 of Public Act 87-14, effective July 24, 1991)

- 5) Effective Date of Adopted Amendments: February 20, 1992

- 6) Does this rulemaking contain an automatic repeal date?

Yes ☐ No ☒

- 7) Do these Adopted Amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: February 20, 1992

- 9) Notice of Proposal Published in Illinois Register:

October 18, 1991 (15 Ill. Reg. 14994)

- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments: No

- 11) Differences between proposal and final version: Based on comments received, the following changes were made:

Section 113.410(d) was rewritten to read:

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"d) The Department has combined the determination of "more likely than not eligible for SSI" and the determination of whether a client is "not employable" on the basis of a serious medical, physical or mental problem. The single standard has been developed based on the standard of "chronically needy found in Section 6-11(c)(2) of the Public Aid Code (Ill.Rev.Stat. 1989, ch. 23, Sec. 6-11(c)(2)).

- 1) The determination is a rapid preliminary screening of the client's condition and is not meant to duplicate or even approximate the regular SSI determination done by the Department of Rehabilitation, Bureau of Disability Determination Services.
- 2) The determination will be made by a review of medical and social information provided by the applicant. Reviews will be conducted based on the information available giving the benefit of any doubt due to lack of information to the client.
- 3) The determination will be made taking into consideration the individual's impairment, level of functioning, age, education, work experience, and language capacity. Criteria used by the Bureau of Disability Determination Services to find a person automatically eligible for SSI will be used as a reference point in making the determination. All individuals who appear to meet that criteria will be automatically found to be probably eligible for SSI. The following additional and/or specific factors will also be given consideration in making the determinations:
 - A) Significant evidence of mental illness or chronic substance abuse.
 - B) Beginning at age fifty, increasingly greater importance will be given to moderate illnesses as the individual becomes older.
 - C) Lack of relevant work skills and/or recent work history.
 - D) Inability or difficulty in reading or writing English.

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- E) The possibility of development of further medical evidence (through SSI advocacy or other means) that will substantiate disabling conditions."

The phrase "(either at the Administrative Law Judge level or above, or at a lower level if the determination was not appealed)" was added to Section 113.410(e).

Based on comments received from the Joint Committee on Administrative Rules, the following changes were made to these amendments:

1. In Section 113.405(a) "(ALJ)" was moved;
2. In Section 113.405(b), "after was substituted for "of" after the word "days" in the third line and seventh line;
3. In Section 113.405(c), an apostrophe was added to "Judge's";
4. In Section 113.405(d), "Aged, Blind and Disabled" was changed to "Aged, Blind or Disabled";
5. In Section 113.410(d), "Sec." was changed to "par.";
6. In Section 113.425(b)(2)(A), "or" was added at the end;
7. In Section 113.425(b)(5)(B), "i, ii and iii" was substituted for "1, 2 and 3";
8. In Section 113.425(b)(7), the word "or" was changed to "of" in the phrase "repair of braille writers";
9. In Section 113.445(a), the word "may" was changed to shall and the sentence "The programs may be limited to specific geographic areas." was added at the end;
10. Section 113.445(b) was eliminated and the other subsections renumbered; and
11. In Section 113.445(d)(3), now 113.445(c)(3), "carfare" was changed to "car-fare".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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13) Will these Adopted Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
113.108	Repealed	November 15, 1991 (15 Ill. Reg. 16610)
113.109	Repealed	November 15, 1991 (15 Ill. Reg. 16610)
113.110	Repealed	November 15, 1991 (15 Ill. Reg. 16610)
113.113	Amendment	November 15, 1991 (15 Ill. Reg. 16610)
113.130	Amendment	December 20, 1991 (15 Ill. Reg. 18073)
113.253	Amendment	December 20, 1991 (15 Ill. Reg. 18073)
113.260	Amendment	December 20, 1991 (15 Ill. Reg. 18073)

15) Summary and Purpose of Adopted Amendments: These amendments, along with the amendments also filed today that amend 89 Ill. Adm. Code 114, implement major changes to the Interim Assistance Program and the General Assistance program pursuant to the mandates of Public Act 87-14 (Senate Bill 45) which became law July 24, 1991.

The major changes in Interim Assistance are as follows:

- 1) The Interim Assistance program will apply Statewide, including the City of Chicago. However, the payment levels will remain as they are now. The payment levels for those in Chicago will remain at \$165 per month, the same as General Assistance, plus certain special needs. The payment levels elsewhere will continue to be based on individual need items as under the Aid to the Aged, Blind and Disabled program.

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- 2) A client will have to be determined more likely than not to be eligible for the Supplemental Security Income (SSI) program in order to be eligible for Interim Assistance.
- 3) A client who has been determined not disabled for purposes of SSI within the last year will be ineligible for Interim Assistance unless there has been a substantial change in the client's condition.
- 4) The Department will continue to provide an SSI Advocacy program in the City of Chicago to help clients obtain eligibility for SSI. The Department also has plans to expand this type of program to other parts of the State. Where such programs exist, cooperation with the SSI Advocacy program shall be a condition of eligibility for Interim Assistance.

The major changes in General Assistance are as follows:

- 1) The General Assistance program is split into two programs, the Children and Family Assistance Program for assistance units consisting of adults and children as well as for pregnant women, and Transitional Assistance for assistance units consisting only of adults.
- 2) An adult is defined as a person age 18 or over or a person married and living with spouse, regardless of age, even if living in the residence of a natural or adoptive parent. A child is defined as under age 18 or age 18, living with a natural or adoptive parent, and a full time student in a secondary school or the equivalent level of vocational or technical training and reasonably can be expected to graduate or complete the program before reaching age 19. Persons under the age of 18 who do not reside with a parent, legal guardian or spouse remain ineligible for Transitional or Children and Family Assistance.
- 3) The Transitional Assistance program shall be time limited. For Fiscal Year 1992 (July 1, 1991 to June 30, 1992) the program is limited to a maximum of nine months. Thereafter, eligibility

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for Transitional Assistance shall be for only six months out of any twelve consecutive month period.

- 4) Certain persons on Transitional Assistance may qualify without the above time limits if the Department determines they meet the following criteria:

- a) age 55 and over who have not had gross earnings totalling \$2,000 in the past year and who have not earned at least \$200 a month in 7 of the last 12 months;
- b) serious medical, physical or mental problems, including alcohol and other substance abuse;
- c) needed at home to provide care for another person; or
- d) no high school diploma or GED and have not had gross earnings of at least \$200 per month in at least three of the last 24 months and cannot read at the 5.9 grade level.

- 5) Clients who claim to have a serious medical, physical or mental problem which prevents the client from working will have eligibility for Interim Assistance determined. The determination under that program of whether the person is more likely than not eligible for Supplemental Security Income (SSI) shall constitute the determination of whether or not the client has a serious medical, physical or mental problem for purposes of Transitional Assistance. The combination of these two determinations in this manner is intended to make the programs and determinations easier to administer and to give as many persons as possible the opportunity to become eligible for SSI.

- 6) Cooperation in the eligibility determination for Interim Assistance shall be a condition of eligibility for Transitional Assistance.

- 7) Persons receiving Children and Family Assistance shall be eligible for the same range of medical services as General assistance clients have

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received in the past. Persons receiving Transitional Assistance will no longer be eligible to receive hospital services. This aspect of the change in coverage for General Assistance is not contained in this Rule but has been promulgated in other rulemaking.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: David E. Peterson, Deputy General Counsel
Office of the General Counsel

Address: Illinois Department of Public Aid
100 South Grand Avenue East
Jesse B. Harris Building II, 3rd Floor
Springfield, Illinois 62762

Telephone: (217)782-1233

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
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SUBCHAPTER b: ASSISTANCE PROGRAMSPART 113
AID TO THE AGED, BLIND OR DISABLED

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113.103 Initial Receipt of Unearned Income
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BUDGETING Earned Income For Non-contractual School Employees

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113.435 Medical Eligibility
113.445 Advocacy Program for Persons Receiving Interim Assistance
113.500 Attorney's Fees for SSI Appellants-Applicants

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April

9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill.

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Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg.

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14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 113.40 Blind

- a) To be eligible for assistance as a blind person an individual must be determined blind as currently defined by the Social Security Administration (SSA). (See 20 CFR 416, Subpart I, April 1, 1984).
- b) If an individual is receiving Supplemental Security Income (SSI) or primary Social Security (OASDI) benefits, the Department shall accept the Social Security Administration (SSA) determination of blindness. If an individual is applying for SSI, the Department shall not do a determination of blindness but shall accept the determination of SSA. (See 113-302-Section 113.400 et seq. for eligibility for

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Section 113.40 Blind (Cont'd)

Interim Assistance in this situation). The Department will make the determination of blindness when the client has been denied SSI on the basis of too much income. The Department uses the same criteria for blindness as is used under SSI. (See 20 CFR 416, Subpart I, April 1, 1984).

- c) 1) If an individual receiving assistance is determined currently "not blind" by SSA under the SSI or primary OASDI programs, the Department shall accept SSA's determination of blindness and cancel the case, no matter which agency made the original determination of eligibility.
- 2) If the individual appeals the SSA determination of blindness to SSA, assistance shall be continued through the level of a determination by an Administrative Law Judge (ALJ) subject to the time limits of subsection (c)(3) below. If assistance has been cancelled but the client later appeals to SSA, the case shall be reinstated through the ALJ level subject to the time limits of subsection (c)(3) below.
- 3) If the client notifies the Department of his appeal to SSA within 10 days of the date of the Department notice, assistance will be continued with no break. If the client notifies the Department of his appeal to SSA within 11 through 65 days of the date of the Department notice, assistance will be reinstated back to the original date of cancellation. If the client notifies the Department of his appeal to SSA more than 65 days after the date of the Department notice, assistance will be provided prospectively only, unless the client actually appealed to SSA within 65 days of the date of the Department notice, in which case assistance will be reinstated back to the original date of cancellation.
- 4) If the client is continuing to receive SSI during the appeal process, the case shall be continued at the SSP level. Otherwise, the case shall be placed on Interim Assistance.

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Section 113.40 Blind (Cont'd)

- 5) If an Administrative Law Judge finds the individual "not blind", the Department shall accept that finding as final. The individual shall not have the right to appeal the determination of blindness to the Department at any time during this process.

- d) Redetermination of blindness is a condition of continuing eligibility for individuals who are not applying for or receiving SSI or OASDI benefits.
- e) When appropriate, the Department shall pay for a medical examination to determine blindness.

(Source: Amended at 16 Ill. Reg. 3468, effective February 20, 1992)

Section 113.50 Disabled

- a) To be eligible for assistance as a disabled person an individual must be determined disabled as currently defined by the Social Security Administration. (See 20 CFR 416, Subpart I, April 1, 1984).
- b) If an individual is receiving Supplemental Security Income (SSI) or primary Social Security (OASDI) benefits, the Department shall accept the Social Security Administration (SSA) determination of disability. If an individual is applying for SSI, the Department shall not do a determination of disability but shall accept the determination of SSA. (See 113-302-Section 113.400 et seq. for eligibility for Interim Assistance in this situation.) The Department will make the determination of disability when the client has been denied SSI on the basis of too much income. The Department uses the same criteria for disability as is used under SSI. (See 20 CFR 416, Subpart I, April 1, 1984).
- c) 1) If an individual receiving assistance is determined currently "not disabled" by SSA under the SSI or primary OASDI programs, the Department shall accept SSA's determination of disability and cancel the case, no matter which agency made the original determination of eligibility.

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Section 113.50

Disabled (Cont'd)

- 2) If the individual appeals the SSA determination of disability to SSA, assistance shall be continued through the level of a determination by an Administrative Law Judge (ALJ) subject to the time limits of subsection (c)(3) below. If assistance has been cancelled but the client later appeals to SSA, the case shall be reinstated through the ALJ level subject to the time limits of subsection (c)(3) below.
- 3) If the client notifies the Department of his appeal to SSA within 10 days of the date of the Department notice, assistance will be continued with no break. If the client notifies the Department of his appeal to SSA within 11 through 65 days of the date of the Department notice, assistance will be reinstated back to the original date of cancellation. If the client notifies the Department of his appeal to SSA more than 65 days after the date of the Department notice, assistance will be provided prospectively only, unless the client actually appealed to SSA within 65 days of the date of the Department notice, in which case assistance will be reinstated back to the original date of cancellation.

- 4) If the client is continuing to receive SSI during the appeal process, the case shall be continued at the SSP level. Otherwise, the case shall be placed on Interim Assistance.

- 5) If an Administrative Law Judge finds the individual "not disabled", the Department shall accept that finding as final. The individual shall not have the right to appeal the determination of disability to the Department at any time during this process.

- d) Redetermination of disability is a condition of continuing eligibility for individuals who are not applying for or receiving SSI or OASDI benefits.

(Source: Amended at 16 Ill. Reg. 3468, effective February 20, 1992)

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SUBPART E: OTHER PROVISIONS

Section 113.302 Interim Assistance (Repealed)

- a) When an individual makes application for AABD (SSP) the application shall be approved for interim Assistance pending determination of categorical relatedness by the Social Security Administration (SSA). If countable income is less than the Payment Level for Interim Assistance (see Section 113.345) and all other eligibility criteria except for determination of categorical relatedness have been met, it shall be a condition of eligibility for Interim Assistance to have filed an application for Supplemental Security Income (SSI).
- b) Medical eligibility for Interim Assistance ceases--beginning the earliest one of the following months in which all eligibility requirements are met (see 89-111, Admin. Code 110-32):
 - 1) the third month before the month of application, or
 - 2) the month of application, or
 - 3) the first month eligibility begins following the month of application.
- e) To be medically eligible means that all eligibility requirements for Interim Assistance are met for the month even though Interim Assistance may not be authorized for the month. Services prompted by an illness or accident beginning before the client is medically eligible and continuing beyond the date of eligibility are payable on a prorated basis from the date of medical eligibility forward.
- d) When Interim Assistance is authorized the application process shall continue until the local office receives notification from SSA that the applicant is either categorically related or not categorically related. At that point, a final disposition of the application is made and certification is authorized or the application is denied.
- e) Continuation of assistance during SSA appeal.

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Section 113.302 Interim Assistance (Repealed) (Cont'd)

1) The Department shall accept the SSA determination of categorical relatedness under the application for SSI.

2) If the individual appeals the SSA determination of categorical relatedness to SSA, Interim Assistance shall be continued through the level of a determination by an Administrative Law Judge (ALJ) subject to the time limits of subsection (e)(3) below. If assistance has been cancelled but the client later appeals to SSA, the case shall be reinstated through the ALJ level subject to the time limits of subsection (e)(3) below.

3) If the client notifies the Department of his appeal to SSA within 10 days of the date of the Department notice, assistance will be continued with no break. If the client notifies the Department of his appeal to SSA within 11 through 65 days of the date of the Department notice, assistance will be reinstated back to the original date of cancellation. If the client notifies the Department of his appeal to SSA more than 65 days after the date of the Department notice, assistance will be provided prospectively only, unless the client actually appealed to SSA within 65 days of the date of the Department notice, in which case assistance will be reinstated back to the original date of cancellation.

4) If Interim Assistance is not begun before the SSA determination, but the client appeals the determination to SSA, Interim Assistance shall be authorized through the level of a determination of an Administrative Law Judge.

5) If an Administrative Law Judge finds the individual to be not categorically related, the Department shall accept that finding as final. The individual shall not have the right to appeal the determination of categorical relatedness to the Department at any time during this process.

6) SSI applicants who have been placed in approved community long-term settings from DMHDD-operated

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Section 113.302 Interim Assistance (Repealed) (Cont'd)

facilities are also eligible to be placed on Interim Assistance if need exists.

(Source: Repealed at 16 Ill. Reg. 3468, effective February 20, 1992)

SUBPART F: INTERIM ASSISTANCE

Section 113.400 Description of the Interim Assistance Program

Interim Assistance -- financial and medical assistance available to individuals while an application for Supplemental Security Income (SSI) is pending if the Department determines that the individual will more likely than not be eligible for SSI.

(Source: Added at 16 Ill. Reg. 3468, effective February 20, 1992)

Section 113.405 Pending SSI Application

a) As a condition of eligibility, the individual must have filed an application for SSI and:

- 1) the application is pending,
- 2) the application was denied due to a finding of not blind or not disabled and an appeal of the decision is pending with SSA at the reconsideration or Administrative Law Judge (ALJ) level.

3) the application has been approved for temporary SSI benefits, or

4) the application has been denied due to income and a determination of blindness or disability is pending with the Department.

b) If the client is denied SSI due to a finding of not blind or not disabled and the client notifies the Department within 10 days after the date of the Department notice of termination that an appeal has been filed, assistance will be continued with no break. If the client notifies the Department within

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Section 113.405 Pending SSI Application (Cont'd)

Section 113.410 More Likely Than Not Eligible for SSI (Cont'd)

11 through 65 days after the date of notice of termination, assistance will be reinstated back to the date of the original cancellation. If the client notifies the Department that an appeal has been filed more than 65 days from the date of notice of termination, assistance will be provided prospectively, unless the client filed the appeal within 65 days of the Department notice, in which case assistance will be reinstated back to the date of cancellation.

c) If the Administrative Law Judge finds the individual not blind or not disabled the Department shall accept the finding as final. The individual is then no longer eligible for Interim Assistance. The individual may appeal this determination only through an appeal of the Administrative Law Judge's decision within the Social Security Administrations' appeal system.

d) If an individual is determined eligible for SSI, eligibility for Aid for the Aged, Blind, or Disabled will be determined under 89 Ill. Adm. Code 113. Eligibility for Interim Assistance does not exist.

(Source: Added at 16 Ill. Reg. 3468, effective February 20, 1992)

Section 113.410 More Likely Than Not Eligible for SSI

a) As a condition of eligibility, an applicant for Interim Assistance must be determined to be more likely than not to be found eligible for Supplemental Security Income (SSI).

b) The determination will be made by medically qualified personnel who possess at a minimum a current Illinois license to practice as a Registered Nurse.

c) The applicant must provide all relevant medical and social information as required by the Department. The determination will be made by a review of this relevant medical and social information.

d) The Department has combined the determination of "more likely than not eligible for SSI" and the determination of whether a client is "not employable" on the basis of a serious medical, physical or mental problem. The single standard has been developed based on the standard of "chronically needy" found in Section 6-11(c)(2) of the Public Aid Code (Ill.Rev.Stat. 1989, ch. 23, par. 6-11(c)(2)).

1) The determination is a rapid preliminary screening of the client's condition and is not meant to duplicate or even approximate the regular SSI determination done by the Department of Rehabilitation, Bureau of Disability Determination Services.

2) The determination will be made by a review of medical and social information provided by the applicant. Reviews will be conducted based on the information available giving the benefit of any doubt due to lack of information to the client.

3) The determination will be made taking into consideration the individual's impairment, level of functioning, age, education, work experience, and language capacity. Criteria used by the Bureau of Disability Determination Services to find a person automatically eligible for SSI will be used as a reference point in making the determination. All individuals who appear to meet that criteria will be automatically found to be probably eligible for SSI. The following additional and/or specific factors will also be given consideration in making the determinations:

- A) Significant evidence of mental illness or chronic substance abuse.
- B) Beginning at age fifty, increasingly greater importance will be given to moderate illnesses as the individual becomes older.
- C) Lack of relevant work skills and/or recent work history.

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Section 113.410

More Likely Than Not Eligible for SSI
(Cont'd)

- D) Inability or difficulty in reading or writing English.
- E) The possibility of development of further medical evidence (through SSI advocacy or other means) that will substantiate disabling conditions.
- e) An individual who has been denied SSI within the previous 12 months due to a finding of not blind or not disabled (either at the Administrative Law Judge level or above, or at a lower level if that determination was not appealed) cannot be determined more likely than not eligible for SSI unless the client shows there has been a substantial change in medical condition or there has been a substantial change in other factors, such as age or work experience, that make it more likely the individual would now be found eligible for SSI.

(Source: Added at 16 Ill. Reg. 3468, effective February 20, 1992)

Section 113.415 Non-Financial Factors of Eligibility

The following non-financial factors for Interim Assistance eligibility are the same as those for AABD eligibility:

- a) Client cooperation, see 89 Ill. Adm. Code 113.9
- b) Citizenship, see 89 Ill. Adm. Code 113.10
- c) Residence, see 89 Ill. Adm. Code 113.20
- d) Institutional Status, see 89 Ill. Adm. Code 113.70
- e) Social Security Number, see 89 Ill. Adm. Code 113.80

(Source: Added at 16 Ill. Reg. 3468, effective February 20, 1992)

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Section 113.420 Financial Factors of Eligibility

The financial factors of Interim Assistance eligibility are the same as the financial factors for AABD eligibility (see Sections 113.100 through 113.160).

(Source: Added at 16 Ill. Reg. 3468, effective February 20, 1992)

Section 113.425 Payment Levels for Chicago Interim Assistance Cases

- a) All Chicago Interim Assistance clients receive a flat grant of \$165.00 per month. In addition to the flat grant amount, clients may also be entitled to Special Needs allowances.

- b) The Special Needs allowances are as follows:

1) Telephone

- A) The monthly cost of a telephone is allowed at the minimum community rate when the client has no access to a telephone and the service is essential because of illness.

- B) No allowance is made for security deposits or past due bills.

- C) For installation charges, see 89 Ill. Adm. Code 116.520.

- 2) Laundry allowance of \$3.18 per month shall be provided when:

- A) Neither the client nor any member of the household is physically able to do the laundry, no relative is available and housekeeping services are not provided; or

- B) There are no facilities for washing or drying in the home; or

- C) A recipient in the home is incontinent or bedfast.

- 3) Shopping Allowance

The Department shall provide an allowance for shopping service in an amount not to exceed \$5.00 when the client is unable to shop and there is no one available to do it without charge.

- 4) Therapeutic Diet Allowance
- A) The Department shall provide a therapeutic diet allowance when the diet is prescribed by a physician. Standard therapeutic diet monthly allowances provided are:

TYPE OF DIET	AMOUNT
Ulcer (and other chronic conditions requiring a bland low residue diet)	\$ 5.95
Diabetic (less than 1700 calories)	\$ 7.92
Diabetic (1700 calories or more)	\$17.82
High-protein, high caloric, high-vitamin	\$12.85

- B) Approval of an allowance in a different amount or for a non-standard prescribed diet requires approval of the Department. Non-standard diets are approved by the Bureau of Medical Practitioner Services on a case-by-case basis.

- 5) Restaurant Allowance
- The Department shall provide an allowance for meals in restaurants when the client has no facilities for the preparation of food, or is unable to cook, and has no one who will prepare meals.

- A) The maximum allowance for three meals per day, seven days per week in a restaurant is \$63.95 monthly.

B) When fewer than three meals per day are required to be eaten in restaurants, the total restaurant allowance is to be authorized for the following monthly amounts:

- | | |
|--------------|---------|
| i) Breakfast | \$12.78 |
| ii) Lunch | \$19.19 |
| iii) Dinner | \$31.98 |
- 6) Home Delivered Meals

The Department shall provide an allowance for home delivered meals for clients who are confined to their homes because of illness or incapacity. Monthly allowances are as follows:

	5 Days Per Week	7 Days Per Week
1 Meal Per Day, Lunch Only	\$13.70	\$19.21
1 Meal Per Day, Dinner Only	\$22.84	\$31.99
2 Meals Per Day, Lunch and Dinner	\$36.54	\$51.16
3 Meals Per Day, Breakfast, Lunch and Dinner	\$45.68	\$63.95

- 7) Special Allowances for Blind and Partially Sighted (Interim Assistance-Blind Only)

Payment shall be made for reading or guide service for recreation (\$1.05 per month); repair of Braille writers, radios or typewriters (most economical rate); food for a trained guide dog (\$13.07 per month); and allowance for attendance

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 113.425 Payment Levels for Chicago Interim Assistance Cases (Cont'd)

at the Illinois Visually Handicapped Institute (\$21.00 per month for additional clothing and personal essentials for months the client is in attendance).

(Source: Added at 16 Ill. Reg. 3468, effective February 20, 1992)

Section 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago

The payment levels for Interim Assistance cases outside Chicago are determined by using the same individual allowances used in determining ARBD payment levels (see 89 Ill. Adm. Code 113.246 through 113.261) except that individuals receiving Interim Assistance are not eligible for the grant adjustment (see 89 Ill. Adm. Code 113.253).

(Source: Added at 16 Ill. Reg. 3468, effective February 20, 1992)

Section 113.435 Medical Eligibility

a) Individuals receiving Interim Assistance are eligible to receive the same package of services as individuals receiving Aid to the Aged, Blind and Disabled (see 89 Ill. Adm. Code 140.3).

b) Medical eligibility for Interim Assistance cases begins the earliest one of the following months in which all eligibility requirements are met (see 89 Ill. Adm. Code 110.32):

- 1) the third month before the month of application.
 - 2) the month of application, or
 - 3) the first month eligibility begins following the month of application.
- c) To be medically eligible means that all eligibility requirements for Interim Assistance are met for the month even though Interim Assistance may not be

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NOTICE OF ADOPTED AMENDMENTS

Section 113.435 Medical Eligibility (Cont'd)

authorized for the month. Services prompted by an illness or accident beginning before the client is medically eligible, and continuing beyond the date of eligibility, are payable on a prorated basis from the date of medical eligibility forward.

(Source: Added at 16 Ill. Reg. 3468, effective February 20, 1992)

Section 113.445 Advocacy Program for Persons Receiving Interim Assistance

a) The Department shall establish advocacy programs to help clients pursue SSI applications and, for those found ineligible for SSI initially, to help clients pursue the SSI reconsideration and appeal process. The programs may be limited to specific geographic areas.

b) For those geographic areas of the State where an advocacy program is established, it shall be a condition of eligibility for Interim Assistance for the client to participate in and cooperate with the advocacy program.

c) Responsibilities of SSI advocacy programs include but are not limited to:

- 1) Assisting the client in completing all forms required for the SSI process;
- 2) Assisting the client in securing and providing all medical information required for the SSI process;
- 3) Ensuring that the client attends all scheduled SSI appointments including issuing car-fare or arranging for other transportation, when necessary;
- 4) Contacting the Social Security Administration (SSA) to request rescheduling of a client appointment, when required;
- 5) Maintaining contact with the SSA regarding the status of the SSI application;

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NOTICE OF ADOPTED AMENDMENTS

Section 113.445 Advocacy Program for Persons Receiving Interim Assistance (Cont'd)

- 6) Documenting all contacts with the client or SSA;
- 7) Initiating the SSI appeal/reconsideration process if the SSI application is denied, through the Administrative Law Judge Level;
- 8) Referring the case for assistance under the Aid to the Aged, Blind or Disabled (AABD) Program upon approval of the SSI application, and advising the GA office to cancel the GA case;
- 9) Follow-up after a decision by the Administrative Law Judge, including obtaining a copy of the decision and referring the case for appropriate re-evaluation in the case of a decision by the Administrative Law Judge that the client is not disabled or blind; and
- 10) Maintaining statistics on case referrals, actions taken and dispositions.

(Source: Added at 16 Ill. Reg. 3468, effective February 20, 1992)

Section 113.500 113.440 Attorney's Fees for SSI Appellants Applicants

- a) The Department will pay any attorney or advocate working under the supervision of an attorney, who represents a recipient of Interim Assistance (Aged, Blind, or Disabled) in an appeal of any claim for Supplemental Security Income (SSI) benefits before an Administrative Law Judge, which is decided in favor of the recipient. The amount of the payment will be 25% of the maximum SSI grant payable to the individual for a period of one (1) year.

- b) 1) To secure payment the attorney/advocate must submit his/her request for payment to the Illinois Department of Public Aid, Bureau of Policy and Procedures, 316 South Second Street, Springfield, Illinois, 62762. The request for payment must be postmarked no more than sixty (60) days from the date of the notice of the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 113.500 113.440 Attorney's Fees for SSI Appellants Applicants (Cont'd)

favorable decision by the Administrative Law Judge. The following information must be included with the request:

- A) proof that the attorney/advocate represented the client;
- B) a copy of the favorable decision;
- C) the attorney's/advocate's bill;
- D) the Interim Assistance recipient's name, address and Public Aid case number; and
- E) the attorney's/advocate's Federal Employee Identification number or Social Security number.

- 2) The Department will make payment within thirty (30) days of receipt of the information listed above.

- c) The attorney/advocate must agree to waive the right to charge or collect fees and expenses from the Interim Assistance recipient.

(Source: Renumbered from Section 113.500 to Section 113.440; and amended at 16 Ill. Reg. 3468, effective February 20, 1992)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: DEVELOPMENTAL DISABILITIES SERVICE

2) Code Citation: 89 Ill. Adm. Code 144

3) Section Numbers: Adopted Action:

144.300 New Section

144.325 New Section

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

5) Effective Date of Adopted Amendments: February 28, 1992

6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

7) Do these Adopted Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 28, 1992

9) Notice(s) of Proposal Published in Illinois Register:

May 17, 1991 (15 Ill. Reg. 7455)

10) Has JCER issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version:

Section 144.300

Subsection (a)(1)(A) - under the heading "4-Person ICF/MR" now reads as follows:

Mild	2.13
Moderate	3.88
Severe or Profound	5.93

Subsection (a)(1)(A) - under the heading "6-Person ICF/MR" now reads as follows:

Mild	3.2
Moderate	5.02
Severe or Profound	6.84

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NOTICE OF ADOPTED AMENDMENTS

Subsection (a)(1)(C) - will now read as follows:

"The reimbursement for a client residing in a small scale ICF/MR who has been found to be ineligible for ICF/MR services, as a result of the facility's Interdisciplinary Team (IDT) process or an IOC determination, will be at the mild level of overall functioning for not more than one year from the quarter following the determination of ineligibility. If the client has not been discharged in accordance with Section 144.250 by the end of the one year period, reimbursement will be made at the Department's sheltered care rate. The sheltered care rate will be payment in full for all program, capital and support costs for such clients."

Subsection (a)(1) - added subsection "D" and "E".

Subsection (a)(2)(A) - added "(D)" after "Section 144.275 (a)(2)"; added "s" to the word "ratio"; delete "1:18.75" after the word "ratios"; replace "is utilized" with "are specified"; replace "15" with "16" and replace "is" with "are" after "fewer beds,".

Subsection (a)(2)(B) - changed "(C)" to "(E)".

Subsection (b)(1) - added ", after "(A)" and ")" after "(C)".

Subsection (b)(2) - added ")" after "(B)".

Section 144.325

Subsection (b)(6) - added "Means Square Foot Costs" before "publication."

Subsection (c)(2)(A) - changed "110%" to "120%".

Subsection (c)(2)(A)(ii) - changed "\$3,500" to "\$6200".

Subsection (c)(4) - changed "\$20,000" to "\$25,000"; changed "\$15,000" to "\$18,750" and changed "\$10,000" to "\$12,500".

Subsection (c)(6) - changed "10.5%" to "11%".

Subsection (e)(1) - changed "average" to "median".

added new subsection "f)".

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation
144.275 Amendment November 8, 1991
(15 Ill. Reg. 15926)

15) Summary and Purpose of Adopted Amendments: This rulemaking provides for reimbursement to small scale ICF/MR facilities with four or six beds for active treatment and capital costs.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Daniel Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 144
DEVELOPMENTAL DISABILITIES SERVICE

Section	
144.1	Incorporation by Reference
144.5	Determination of Program (Active Treatment) Costs
144.25	Active Treatment Service Requirements in Residential Facilities for Individuals with Developmental Disabilities
144.50	Inspection of Care (IOC) Review Criteria for the Evaluation of Active Treatment Services in Residential Facilities for Individuals with Developmental Disabilities
144.75	Comprehensive Functional Assessments and Reassessments
144.100	Interdisciplinary Team (IDT)
144.105	Individual Program Plan (IPP)
144.125	Specialized Care - Behavior Development Programs
144.150	Specialized Care - Health and Sensory Disabilities
144.175	Functional Needs
144.200	Service Needs - Medical Care
144.205	Service Needs - Medical and Therapy Services
144.225	Individual Rights
144.250	Discharge Planning/Maximum Growth Potential Plan
144.275	Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities
144.300	Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities
144.325	Capital Rate Calculation
144.TABLE A	Overview of Staff Intensity Scale of Maladaptive Behaviors
144.TABLE B	Staff Intensity Scale
144.TABLE C	IPP Outcomes
144.TABLE D	Guidelines for Determining Levels of Functioning
144.TABLE E	Standardized Adaptive Functional Assessment

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

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NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3497, effective February 28, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 144.300 Reimbursement for Program (Active Treatment)
Costs in Small Scale Residential Facilities

Small scale residential facilities (ICF/MR) with four (4) or six (6) beds for clients with developmental disabilities will be reimbursed for an active treatment program for each client. Facility program reimbursement levels will be derived from the following three determinants which in combination will result in a total facility program per diem amount. These three determinants will be determined according to information provided in the most recent Inspection of Care (IOC) conducted by Department survey staff. This IOC information must be validated by the survey staff prior to utilization for payment purposes. The new reimbursement level will be effective on the first day of the quarter following a facility's IOC. Where dollar, wage, or salary amounts are used, these shall be inflated to the fiscal year for which reimbursement will be made.

a) Minimum Staffing

1) Direct Services

- A) Reimbursement for direct services is based on a direct service staffing pattern which is specific to small scale ICF/MR facilities. Facilities must be in compliance with minimum average daily staffing standards relative to client population according to each individual's overall level of functioning. The overall level of functioning for each client is determined according to the method described in Section 144.275 (a)(1)(A)(i) and (ii), and Sections 144.Tables D and E. The direct service staffing patterns based on the size of the residential setting and the overall

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 144.300 Reimbursement for Program (Active Treatment)
Costs in Small Scale Residential Facilities
(Cont'd)

level of functioning of the client population, are:

Overall Level of Client Functioning FTE* Staff

4-Person ICF/MR

Mild 2.13
Moderate 3.88
Severe or Profound 5.93

6-Person ICF/MR

Mild 3.2
Moderate 5.02
Severe or Profound 6.84

*FTE = Full Time Equivalent

- B) Reimbursement will be calculated according to the total direct service FTE staff derived from the weighted average of the FTE staff for levels of functioning in the moderate and severe/profound range within the small scale facility. After the total FTE staff are determined, the per diem amount is obtained according to the method in Section 144.275(a)(1)(C)(i).

- C) The reimbursement for a client residing in a small scale ICF/MR who has been found to be ineligible for ICF/MR services, as a result of the facility's Interdisciplinary Team (IDT) process or an IOC determination, will be at the mild level of overall functioning for not more than one year from the quarter following the determination of ineligibility. If the client has not been discharged in accordance with 144.250 by the end of the one year period, reimbursement will be made at the Department's sheltered care rate. The sheltered care rate will be payment in full for all program, capital and support costs for such clients.

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Section 144.300

Reimbursement for Program (Active Treatment)
Costs in Small Scale Residential Facilities
(Cont'd)

- D) Reimbursement for a client admitted to a small scale ICF/MR who is determined to be ineligible, or who is without a determination of eligibility by the predmission screening process, will be set at the sheltered care rate. The sheltered care rate will be payment in full for all program, capital and support costs. Payment for services for each client who has not been found eligible for the ICF/MR program upon admission will terminate 30 days following the date of admission. Reimbursement for residential services for such a client which is paid to the facility beyond the 30 day period following admission will be recouped by the Department from the next facility payment or other contractual time period.

- E) The facility rate paid will be the weighted average of the total per diem (including capital and support) calculated for eligible clients with mild, moderate and severe/profound level of overall functioning and the Department's sheltered care rate for clients admitted without previously determined ICF/MR eligibility, or who are ineligible for ICF/MR services as determined by the IDT or IOC process, and remain in the facility for more than one year following the date of the determination of ineligibility.

2) Licensed Nurses

- A) If a client requires nursing services due to a physician's plan of care, reimbursement is calculated according to Section 144.275(a)(2)(D). The FTE nurse to client ratios which are specified for ICF/MR facilities with 16 or fewer beds, are also used for a set of small scale ICF/MR facilities as identified by the provider agreements (see 89 Ill. Adm. Code 140.561(a)).

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NOTICE OF ADOPTED AMENDMENTS

Section 144.300

Reimbursement for Program (Active Treatment)
Costs in Small Scale Residential Facilities
(Cont'd)

- B) The licensed nurse component is computed according to the method in Section 144.275(a)(2)(E).

- 3) The total reimbursement amount for Minimum Staffing is the sum of the amount for Direct Services staff plus the amount for Licensed Nurses.

b) Active Treatment

- 1) Qualified Mental Retardation Professional (QMRP) (Section 144.275(b)(1)(A), (B) and (C)).

- A) The reimbursement amount paid is based on sixteen clients in an identified set of 4-person and 6-person ICFs/MR.

- B) The amount for QMRPs is based on a required full-time QMRP for every fifteen (15) clients. The number of QMRPs shall be obtained by dividing the number of clients in the facility by fifteen (15). The amount paid for QMRPs is computed according to the method in Section 144.275(b)(1)(D).

2) Interdisciplinary Team (IDT) (Section 144.275(b)(2)(B))

- The amount for services rendered by the IDT is based on one day of IDT services per year for each client. This amount is computed to be \$1.82 per client per day.

- 3) The total reimbursement amount for Active Treatment is the sum of the amounts for QMRP and IDT.

c) Related Costs

- 1) An amount per client per day will be paid for other program costs, including program related supplies, consultants and other items necessary for the delivery of active treatment to clients in accordance with their individual program plans.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 144.300 Reimbursement for Program (Active Treatment)
Costs in Small Scale Residential Facilities
(Cont'd)

- 2) For each facility, this amount will be determined as follows. Add the amount determined for subsections (a) and (b), but exclude the amount for the IDT. Multiply this sum by the factor determined for the facility's HSA grouping. The product plus the amount for the IDT is then multiplied by the constant of .20.
- d) Total Program Per Diem - Total program per diem for each small scale residential facility will be the sum of the amounts from subsections (a), (b) and (c).

(Source: Added at 16 Ill. Reg. 3497, effective February 28, 1992)

Section 144.325 Capital Rate Calculation

- a) Capital rates for ICF/MR facilities which are licensed as Intermediate Care Facilities for the Developmentally Disabled with 4 beds or 6 beds (ICF/DD-4, ICF/DD-6) will be calculated according to this Section, which provides calculation methods for rates for various capital categories. Rate charts will be prepared each year based upon these provisions. The rate for an individual facility will be selected based upon the following criteria:

- 1) New construction or remodeled building. If the facility is a remodeled building the base cost will be used to assign it to a category.
- 2) Base Year
- 3) Location
- b) The terms used in this Section are defined as follows:
 - 1) "Arm's-length transaction" means a transaction between a buyer and a seller both free to act, each seeking his own best economic interest. A transaction between related parties as defined in 89 Ill. Adm. Code 140.537 is not considered to be an arm's-length transaction.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 144.325 Capital Rate Calculation (Cont'd)

- 2) "Base Year" refers to the weighted average year of investment in the actual construction of the building. The Base Year is determined using the components of the building cost, which are included in the Building Base Cost, and the corresponding years of acquisition or construction. The year of each component of the total investment is multiplied by the cost of each year's investment. The sum of these products is then divided by the total Building Base Cost to yield an average year of construction. Any fractional portion of the Base Year derived from this calculation will be truncated. The Base Year will not change due to sale or lease of the building.
- 3) "Capital Days" are used to convert all capital items to per diem amounts. A 93% occupancy standard is used in the rate calculation.
- 4) Building Base Cost refers to the cost to purchase the building to be first licensed as an ICF/DD-4 or ICF/DD-6 facility. Only costs associated with arms-length transactions between unrelated parties will be considered. The allowable cost of subsequent improvements to the building will be included in the building base cost. The building base cost will not change due to sales or leases of the facility.
- 5) "Square feet per bed" is defined as 445 square feet per bed for a 4 bed facility and 365 square feet per bed for a 6 bed facility.
- 6) "New Construction Cost Per Square Foot" is defined as the costs published by the R.S. Means Company, Inc.. Data will come from the most recent edition of the Means Square Foot Costs publication. The cost used per square foot for new construction is based upon average residential one story construction. Factors are included for wood frame, wood siding, central air, and two bathrooms.
- 7) Location. The facilities will be separated into one of the following location groups:

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Section 144.325 Capital Rate Calculation (Cont'd)

- A) Group 1 - Cook, DuPage, Will and Lake counties.
- B) Group 2 - Counties 175,000 to 1,000,000 population.
- C) Group 3 - Counties below 175,000 population.
- 8) New building construction refers to construction of a complete building for the purpose of being licensed and operated as an ICF/DD-4 or ICF/DD-6 facility.
- 9) Remodeled buildings refer to buildings which previously existed for some other function and were remodeled to be licensed and operated as an ICF/DD-4 or ICF/DD-6 facility.
- c) The rates will be calculated for facilities constructed during the current rate year according to the following steps. These steps will result in six different rate categories. There is a 4 bed rate and a 6 bed rate within each of three different location categories.
- 1) Preliminary Cost Per Bed - The new construction cost per square foot is multiplied by the square feet per bed to get a preliminary cost per bed.
- 2) Revised Cost Per Bed
- A) The preliminary cost per bed is multiplied by a 120% adjustment factor and is then further increased by factors for a two car garage and for sprinklers as follows:
- i) Garage - The R.S. Means Company, Inc. projected cost for an attached two car garage is divided by 4 or 6 beds whichever is applicable to obtain a cost per bed.
- ii) Sprinklers - A \$6,200 sprinkler cost is divided by 4 or 6 beds whichever is applicable to obtain a cost per bed.

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NOTICE OF ADOPTED AMENDMENTS

Section 144.325 Capital Rate Calculation (Cont'd)

- B) The result of this step is a revised cost per bed for new construction.
- 3) Localized Cost Per Bed
- A) The revised cost per bed is multiplied by a locality adjustor for the applicable area of the State in which the facility is located. A separate locality adjustor is calculated for the following areas:
- i) Cook, DuPage, Will and Lake counties.
- ii) Counties 175,000 to 1,000,000 population (excluding DuPage, Will and Lake Counties).
- iii) Counties below 175,000 population.
- B) The locality adjustors are calculated as the average of all locality factors for each area in the most recent R.S. Means Company, Inc. publication.
- C) The result of this step is the localized cost per bed.
- 4) Total Projected Investment Per Bed - Land is added to the localized cost per bed to arrive at the total projected investment per bed. Land is based upon \$25,000 for facilities located in the Cook, DuPage, Will and Lake counties. Counties with a population of 175,000 to 1,000,000 will use a \$18,750 total land cost. Counties with a population below 175,000 will use a \$12,500 total land cost. The total land cost is divided by 4 or 6 beds to determine the land cost per bed.
- 5) The total projected investment per bed is divided by 339 client days (365 days x 93% = 339) to arrive at a per diem investment.
- 6) The per diem investment is multiplied by a 11% rate of return and further increased by \$3.01 per diem for equipment, working capital costs and vehicles to obtain the rate.

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NOTICE OF ADOPTED AMENDMENTS

Section 144.325 Capital Rate Calculation (Cont'd)

- 7) The rates for facilities with a base year which is older than the current rate year will be calculated using the same steps as newly constructed facilities in subsection (c) except for the localized cost per bed in subsection (c)(3). The localized cost per bed is discounted by a 3% obsolescence factor for each year between the base year and the current year.
- 8) A table will be prepared by the Department which will list all applicable rates for each rate year. The rate for any facility will be looked up based upon the base year, bed size and location of the facility.
- 9) Rates for Remodeled or Existing Construction
- A) To recognize the potentially wide range of investment in existing facilities to be converted into ICF/DD-4 or ICF/DD-6 residential facilities, modifications have been made to the calculation of total projected investment for subsection (c)(4).
- B) The buildings which were remodeled will be separated into four categories using the lower of the actual land and building purchase price plus remodeling cost per bed, or the appraisal cost of land and building per bed. This assignment to categories is based upon comparison of the facility's cost (lower of actual or appraisal) to the result of the following percentages of the projected investment from subsection (c)(4): (Equipment cost is not included in this comparison.)
- i) Category 1 - 77.5% and above
 - ii) Category 2 - 62.5% to 77.4%
 - iii) Category 3 - 47.5% to 62.4%
 - iv) Category 4 - 47.4% and less

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NOTICE OF ADOPTED AMENDMENTS

Section 144.325 Capital Rate Calculation (Cont'd)

- C) The total projected investment from subsection (c)(4) will be multiplied by the following category percentages as applicable, and rates calculated based upon the remaining provisions in subsection (c):
- i) Category 1 - 85%
 - ii) Category 2 - 70%
 - iii) Category 3 - 55%
 - iv) Category 4 - 40%
- d) Rented facilities will have the capital rates calculated by the same procedures as are used for owned facilities.
- e) Property Taxes
- 1) For ICF/DD-4 and ICF/DD-6 facilities which can show they will be required to pay property taxes, the Department will have the median property tax rate for their HSA added to the capital rate.
 - 2) In subsequent years the property tax portion of the capital rate will be calculated in accordance with 89 Ill. Adm. Code 140.578(b).
- f) Combined Rate
- 1) Small scale ICF/MR facilities are separately licensed facilities. However, reimbursement for capital costs is based on the sixteen person capacity of a set of four 4-person facilities, or one 4-person plus two 6-person facilities (see 89 Ill. Adm. Code 140.561(b)). The set of small facilities used in computing the capital rate will be identified in the provider agreements.
 - 2) A separate capital rate will be calculated for each licensed facility in the set of four facilities. These rates will be combined to arrive at one average capital rate for the set. The averaging of the capital rates will be

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Section 144.325 Capital Rate Calculation (Cont'd)

weighted according to the number of licensed beds in each of the four facilities in the set.

(Source: Added at 16 Ill. Reg. 3497, effective February 28, 1992)

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: GENERAL ASSISTANCE

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Numbers: Adopted Action:

114.1 Amendment
114.2 New Section
114.60 Amendment
114.61 Amendment
114.62 Amendment
114.63 Amendment
114.64 Amendment
114.70 Amendment
114.80 Amendment
114.120 Amendment
114.121 Amendment
114.122 Repealed
114.123 Repealed
114.124 Amendment
114.400 Amendment
114.420 Amendment

4) Statutory Authority: Sections 6-11, added by Public Act 87-14, effective July 24, 1991, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 6-11 and 12-13) and Section 2-25 of Public Act 87-14, effective July 24, 1991

5) Effective Date of Adopted Amendments: February 20, 1992

6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

7) Do these Adopted Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 20, 1992

9) Notices of Proposal Published in Illinois Register:

October 18, 1991 (15 Ill. Reg. 15008)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: Based on comments received the following changes were made:

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In Section 114.1(b)(3), the following was added at the end: "unless the client has appealed a determination of employability on a timely basis and the hearing is pending on the date the nine month or six month limitation would become effective for that client."

In Section 114.2(c), the following was added after the second sentence: "The Department has combined the determination of 'more likely than not eligible for SSI' and the determination of whether a client is 'not employable' on the basis of a serious medical, physical or mental problem. The single standard has been developed based on the standard of 'chronically needy' found in Section 6-11(c)(2) of the Public Aid Code. (111 Rev. Stat. 1989, ch. 23, par. 6-11(c)(2). (See 89 Ill. Adm. Code 113.410 for this standard)."

The remaining sentence in Section 114.2(c) becomes Section 114.2(d). Section 114.2(d) is renumbered Section 114.2(e). Section 114.2(e) is renumbered 114.2(f).

Based on agreements with the staff of the Joint Committee on Administrative Rules, the following changes were made:

In Section 114.1(b), a semi-colon was added at the end;

In Section 114.1(b)(3), a comma was added after "circumstances";

In Section 114.2(b)(4), the first sentence was revised to read: "Does not have a high school diploma or GED; does not have gross earnings totalling \$2,000 or more in the past year; has not earned at least \$200 a month in three of the last twenty-four months; and who cannot read English at the 5.9 grade level.";

In Section 114.2(c), "ch." was not capitalized, "Sec" was replaced by "par.";

In Section 114.61(b), a semi-colon was added at the end;

In Section 114.61(b) and (g), "1983" was changed to "1989";

In Section 114.62 and Section 114.63, all references to Rule 2.01 are eliminated and replaced with references to 89 Ill. Adm. Code 101.20;

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In Section 114.70(a), "carfare" was changed to "car-fare";

In Section 114.80(a), "Program" was changed to "Programs" and a comma was added after "includes";

In Section 114.120, in the title, the comma after "Training" was eliminated;

In Section 114.120, "Part" was changed to "subpart" the comma after "training" was eliminated, the comma after "Section 114.130" was eliminated and the phrase "of the rules" was eliminated;

In Section 114.121, the first words in all the subsections were capitalized;

In Section 114.121(f)(2), "are not serious enough normally" was changed to "are normally not serious enough";

In Section 114.121(h), "1985" is changed to "1989";

In Section 114.124(a)(4)(A), a comma was added after "community";

In Section 114.124(c)(4)(B)(i), the "and" at the end was eliminated;

In Section 114.400, all the subsections were capitalized and semi-colons were used;

In Section 114.420(b), "(10)" was eliminated and a comma was placed after "City of Chicago"; and

In Section 114.420(c), "7/1/91" was changed to "July 1, 1991," and "10" was changed to "ten".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any Amendments pending on this Part? No

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- 15) Summary and Purpose of Adopted Amendments: These amendments, along with the amendments also filed today that amend 89 Ill. Adm. Code 113, implement major changes to the Interim Assistance Program and the General Assistance program pursuant to the mandates of Public Act 87-14 (Senate Bill 45) which became law July 24, 1991.

The major changes in Interim Assistance are as follows:

- 1) The Interim Assistance program will apply Statewide, including the City of Chicago. However, the payment levels will remain as they are now. The payment levels for those in Chicago will remain at \$165 per month, the same as General Assistance, plus certain special needs. The payment levels elsewhere will continue to be based on individual need items as under the Aid to the Aged, Blind and Disabled program.
- 2) A client will have to be determined more likely than not to be eligible for the Supplemental Security Income (SSI) program in order to be eligible for Interim Assistance.
- 3) A client who has been determined not disabled for purposes of SSI within the last year will be ineligible for Interim Assistance unless there has been a substantial change in the client's condition.
- 4) The Department will continue to provide an SSI Advocacy program in the City of Chicago to help clients obtain eligibility for SSI. The Department also has plans to expand this type of program to other parts of the State. Where such programs exist, cooperation with the SSI Advocacy program shall be a condition of eligibility for Interim Assistance.

The major changes in General Assistance are as follows:

- 1) The General Assistance program is split into two programs, the Children and Family Assistance Program for assistance units consisting of adults and children as well as for pregnant women, and Transitional Assistance for assistance units consisting only of adults.

- 2) An adult is defined as a person age 18 or over or a person married and living with spouse, regardless of age, even if living in the residence of a natural or adoptive parent. A child is defined as under age 18 or age 18, living with a natural or adoptive parent, and a full time student in a secondary school or the equivalent level of vocational or technical training and reasonably can be expected to graduate or complete the program before reaching age 19. Persons under the age of 18 who do not reside with a parent, legal guardian or spouse remain ineligible for Transitional or Children and Family Assistance.
- 3) The Transitional Assistance program shall be time limited. For Fiscal Year 1992 (July 1, 1991 to June 30, 1992) the program is limited to a maximum of nine months. Thereafter, eligibility for Transitional Assistance shall be for only six months out of any twelve consecutive month period.
- 4) Certain persons on Transitional Assistance may qualify without the above time limits if the Department determines they meet the following criteria:
 - a) age 55 and over who have not had gross earnings totalling \$2,000 in the past year and who have not earned at least \$200 a month in 7 of the last 12 months;
 - b) serious medical, physical or mental problems, including alcohol and other substance abuse;
 - c) needed at home to provide care for another person; or
 - d) no high school diploma or GED and have not had gross earnings of at least \$200 per month in at least three of the last 24 months and cannot read at the 5.9 grade level. This fourth criteria shall only be available for up to twelve months.
- 5) Clients who claim to have a serious medical, physical or mental problem which prevents the client from working will have eligibility for

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Interim Assistance determined. The determination under that program of whether the person is more likely than not eligible for Supplemental Security Income (SSI) shall constitute the determination of whether or not the client has a serious medical, physical or mental problem for purposes of Transitional Assistance. The combination of these two determinations in this manner is intended to make the programs and determinations easier to administer and to give as many persons as possible the opportunity to become eligible for SSI.

6) Cooperation in the eligibility determination for Interim Assistance shall be a condition of eligibility for Transitional Assistance.

7) Persons receiving Children and Family Assistance shall be eligible for the same range of medical services as General assistance clients have received in the past. Persons receiving Transitional Assistance will no longer be eligible to receive hospital services. This aspect of the change in coverage for General Assistance is not contained in this Rule but has been promulgated in other rulemaking.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: David E. Peterspm, Deputy General Counsel
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section
114.1 Description of the Assistance Program
114.2 Determination of Not Employable
114.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
114.9 Client Cooperation
114.10 Citizenship
114.20 Residence
114.30 Age
114.40 Relationship
114.50 Living Arrangement
114.52 Social Security Numbers
114.60 Work Registration Requirements (Outside City of Chicago only)
114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
114.62 Job Service Registration (Outside City of Chicago only)

114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
114.64 Responsibility to Seek Employment (Outside City of Chicago only)
114.70 Initial Employment Expenses (Outside City of Chicago only)
114.80 Downstate General Assistance Work and Training Programs
114.85 Downstate General Assistance - Food Stamps Employment and Training Pilot Project
114.90 Project Chance Participation/Cooperation Requirements (Renumbered)
114.100 General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section
114.108 Project Advance

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Section	Project Advance Participation Requirements of Adjudicated Fathers
114.109	
SUBPART D: PROJECT CHANGE	
Section	Project Advance Cooperation Requirements of Adjudicated Fathers
114.110	
114.111	Project Advance Sanctions
114.113	Project Advance Good Cause for Failure to Comply
114.115	Individuals Exempt From Project Advance
114.117	Project Advance Supportive Services
114.120	Employment and Training for Transitional Assistance Programs Administered by the Illinois Department of Public Aid
114.120	Employment, and Training, Rehabilitation, and-Adveesey-for General-Transitional Assistance Programs Administered by the Illinois Department of Public Aid
114.121	Persons Required to Participate in Employment-and-Training Project Change
114.122	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
114.123	Persons in Need of Work Rehabilitation Services (WRS) to Become Employable (Repealed)
114.124	Employment and Training Participation/Cooperation Requirements
114.125	Employment and Training Program Orientation
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan
114.127	Employment and Training Program Components
114.128	Employment and Training Sanctions
114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements
114.130	Employment and Training Supportive Services
114.140	Employment Child Care (Repealed)
SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY	
Section	Unearned Income
114.200	Budgeting Unearned Income
114.201	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.202	Initial Receipt of Unearned Income
114.203	Termination of Unearned Income
114.204	Exempt Unearned Income
114.210	

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Section	Education Benefits
114.220	Unearned Income In-Kind
114.221	Earmarked Income
114.222	Lump Sum Payments
114.223	Protected Income
114.224	Earned Income
114.225	Budgeting Earned Income
114.226	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.227	Initial Employment
114.228	Termination of Employment
114.229	Exempt Earned Income
114.230	Recognized Employment Expenses
114.235	Income From Work/Study/Training Program (Repealed)
114.240	Earned Income From Self-Employment
114.241	Earned Income From Roomer and Boarder
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114.245	Budgeting Earned Income For Contractual Employees
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114.247	Assets
114.250	Exempt Assets
114.251	Asset Disregards
114.252	Deferral of Consideration of Assets (Repealed)
114.260	Property Transfers
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SUBPART F: PAYMENT AMOUNTS	
Section	Payment Levels for General Assistance
114.350	Payment Levels in Group I Counties
114.351	Payment Levels in Group II Counties
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Section	Persons Who May Be Included In the Assistance Unit
114.400	Eligibility of Strikers
114.401	Special Needs Authorizations
114.402	Institutional Status
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114.404	Budgeting Schedule
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Section
114.430 Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

SUBPART H: CHILD CARE

114.450 Child Care
114.452 Child Care Eligibility
114.454 Qualified Provider
114.456 Notification of Available Services
114.458 Participant Rights and Responsibilities
114.462 Additional Service to Secure or Maintain Child Care Arrangements
114.464 Rates of Payment for Child Care
114.466 Method of Providing Child Care

SUBPART I: TRANSITIONAL CHILD CARE

Section
114.500 Transitional Child Care Eligibility
114.504 Duration of Eligibility for Transitional Child Care
114.506 Loss of Eligibility for Transitional Child Care
114.508 Qualified Provider
114.510 Notification of Available Services
114.512 Participant Rights and Responsibilities
114.514 Child Care Overpayments and Recoveries
114.516 Fees for Service for Transitional Child Care
114.518 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 6-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill.

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Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being

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codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 5233, 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective

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May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART A: GENERAL PROVISIONS

Section 114.1 Description of the Assistance Program

General Assistance--financial and medical assistance available to eligible needy families or individuals who are ineligible to receive assistance through a categorical or Federal Assistance Program. See 89 Ill. Adm. Code 140.5 for covered medical services.

- a) General Assistance is provided to eligible families and to pregnant women, as defined in Section 114.400, through the Children and Family Assistance program. Assistance is provided without regard to any limitation on the number of months an eligible family or pregnant woman may receive such benefits.

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Section 114.1 Description of the Assistance Program (Cont'd)

- b) General Assistance is provided to individual adults, as defined in Section 114.400, through the Transitional Assistance program, with the following limitations:

1) For the fiscal year beginning July 1, 1991, individuals receiving Transitional Assistance may only receive such assistance for nine calendar months. Receipt of General Assistance or Transitional Assistance for any month in Fiscal Year 1992, July 1991 through June 1992, shall count towards this limitation.

2) Beginning July 1, 1992, eligible individuals may only receive Transitional Assistance for any six months out of any 12 consecutive calendar month period.

3) Transitional assistance shall not be continued pending a final decision in an appeal past the nine month or six month limitations in subsections (b)(1) and (2) above under any circumstances, unless the client has appealed a determination of employability on a timely basis and the hearing is pending on the date the nine month or six month limitation would become effective for that client.

4) Notwithstanding subsections (b)(1) and (2) above, eligible individuals may qualify for Transitional Assistance without regard to any limitations on the number of months of eligibility during any time period if the individual is determined to be not employable pursuant to Section 114.2.

(Source: Amended at 16 Ill. Reg. 3512, effective February 20, 1992)

Section 114.2 Determination of Not Employable

- a) Unless determined not employable pursuant to this Section, a client who receives Transitional Assistance shall be considered employable.

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Section 114.2 Determination of Not Employable (Cont'd)

- b) A client shall be determined not employable if determined to meet one of the following criteria:

1) Age 55 or over and has not had gross earnings totaling \$2,000 or more in the past year and also has not earned at least \$200 a month in seven of the last twelve months;

2) Serious medical, physical or mental problem which prevents the client from working, including alcohol or other substance abuse;

3) Needed at home to care for another person, as determined by a medical provider; or

4) Does not have a high school diploma or GED; does not have gross earnings totaling \$2,000 or more in the past year; has not earned at least \$200 a month in three of the last twenty-four months; and who cannot read English at the 5.9 grade level. Under this last category of not employable, if a client has not attained the required reading level after receiving Transitional Assistance for twelve months, the client will then be deemed employable, unless not employable under a different criteria.

c) If a client claims to be unable to work due to a serious medical, physical or mental problem, a determination of eligibility for Interim Assistance shall first be made. (See 89 Ill. Adm. Code 113.400 et seq.). The determination of more likely than not eligible for SSI made under the Interim Assistance program shall constitute the determination of whether a client is not employable. The Department has combined the determination of "more likely than not eligible for SSI" and the determination of whether a client is "not employable" on the basis of a serious medical, physical or mental problem. The single standard has been developed based on the standard of "chronically needy" found in Section 6-11(c)(2) of the Public Aid Code (111 Rev. Stat. 1989, ch. 23, par. 6-11(c)(2)). (See 89 Ill. Adm. Code 113.410 for this standard.)

d) The client must cooperate in the eligibility process

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Section 114.2 Determination of Not Employable (Cont'd)

for Interim Assistance, including but not limited to applying for SSI and cooperating with any requirements of the SSI Advocacy program, in order to be eligible either for Interim Assistance or Transitional Assistance.

- e) If the client is determined to be more likely than not eligible for SSI, the client shall be entitled to Interim Assistance. If the client is determined to be not more likely than not eligible for SSI, this shall constitute a determination that the client is employable.

- f) An Interim Assistance recipient who is later determined not disabled by the Social Security Administration, and therefore ineligible for SSI, loses eligibility for Interim Assistance. However, that client shall continue to be considered not employable for purposes of Transitional Assistance until determined otherwise.

(Source: Added at 16 Ill. Reg. 3512, effective February 20, 1992)

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 114.60 Work Registration Requirements (Outside City of Chicago only)

- a) As a condition of eligibility, all applicants for and recipients of General Assistance, 16 18 years of age or over and through age 59, who are not exempt shall maintain current registration for employment with Job Service in Illinois.
- b) Registration with Job Service shall be considered current if the individual has registered or extended registration for employment within the last 60 days. For downstate GA Units in areas where there are no Job Service offices and registration is accomplished through Job Service's itinerant service, registration shall be considered current if the individual has

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Section 114.60 Work Registration Requirements (Outside City of Chicago only) (Cont'd)

registered for employment on the most recent itinerant service date in that county.

(Source: Amended at 16 Ill. Reg. 3512, effective February 20, 1992)

Section 114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)

An individual is exempt from the Job Service registration requirement when that individual:

- a) Is a child under 16 18 years of age (does not apply to persons under 16 18 years of age who are included in the assistance unit as adults);

- b) Is a child 16 or 17 years of age in full-time school attendance (does not apply to persons 16 or 17 years of age who are included in the assistance unit as adults);

- e) b) Is medically exempt as determined by the Department based on a report from a physician or psychologist (pursuant to the Psychologist Registration Act, Ill. Rev. Stat. 1983-1989, ch. 111, par. 5311 et seq.) and relevant social information;

- d) c) Is 65-60 years of age or older;

- e) d) Has another household member who requires the full-time care of this individual;

- f) e) Has a child under age 6 in the home for whom that individual must provide care;

- g) f) Is full-time employed (100 hours a month or more);

- h) Meets the General Assistance Jobs Program requirements in the City of Chicago (see Section 114-100);

- i) g) Is a full time VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act who was a recipient of public assistance under Article VI of the "Illinois Public Aid Code", (Ill. Rev. Stat. 1983-1989, ch. 23, pars. 6-1 et seq.) when he/she joined

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Section 114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
(Cont'd)

VISTA, or is a full-time volunteer under Title II (i.e., foster grandparents, senior health aides, senior companions, or persons serving in the Senior Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE)) of the Act.

(Source: Amended at 16 Ill. Reg. 3512, effective February 20, 1992)

Section 114.62 Job Service Registration (Outside City of Chicago only)

- a) Nonexempt GA clients must maintain current registration with Job Service as a condition of eligibility for assistance. Failure to register or willfully present oneself to Job Service by a nonexempt client receiving assistance in an Adult GA case (one person case) as defined in Rule-2-01-89 Ill. Adm. Code 101.20 renders the case ineligible for assistance for as long as the refusal persists. Failure to register or willfully present oneself to Job Service by a nonexempt individual receiving assistance in a Family GA case, as defined in Rule-2-01-89 Ill. Adm. Code 101.20 renders only that individual ineligible for assistance. Such individual shall be ineligible for assistance for only as long as the refusal persists.

- b) Nonexempt individuals who are otherwise eligible to be added to an existing GA grant must be currently registered with Job Service before assistance will be authorized.

(Source: Amended at 16 Ill. Reg. 3512, effective February 20, 1992)

Section 114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)

- a) Nonexempt GA caretakers as defined in 89 Ill. Adm. Code 101.20 ex-Rule-2-01 must maintain current registration with Job Service as a condition of eligibility for the entire assistance unit. Failure to register or willfully presenting oneself to Job

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NOTICE OF ADOPTED AMENDMENTS

Section 114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
(Cont'd)

Service as unavailable for employment shall result in denial or cancellation of assistance for the entire assistance unit for only as long as the refusal persists.

- b) If a nonexempt GA client in an Adult GA case fails or refuses to seek or accept employment, he shall be ineligible to receive assistance for only as long as the refusal persists. If a nonexempt GA client in a Family GA case fails or refuses to seek or accept employment, he shall be ineligible to receive assistance for only as long as the refusal persists.

(Source: Amended at 16 Ill. Reg. 3512, effective February 20, 1992)

Section 114.64 Responsibility to Seek Employment (Outside City of Chicago only)

- a) In addition to maintaining current registration with Job Service, all non-exempt clients must accept employment referrals from Job Service and accept an offer of suitable and available employment as a condition of eligibility. In order to be a suitable and available offer of employment:

- 1) There must be a definite offer of employment at wages meeting any applicable minimum wage requirements and which are customary for such work in the community; and
 - 2) There is no question as to the individual's ability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and
 - 3) There is no question as to working conditions, such as risks to health, safety, or lack of workers' compensation protection.
- b) If a nonexempt GA caretaker fails or refuses to seek or accept employment, the entire assistance unit shall be ineligible for assistance for only as long as the refusal persists.

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NOTICE OF ADOPTED AMENDMENTS

Section 114.64

Responsibility to Seek Employment (Outside City of Chicago only)

- c) If a nonexempt client other than the caretaker in family cases fails or refuses to seek or accept employment, that individual shall be ineligible for assistance.

(Source: Amended at 16 Ill. Reg. 3512, effective February 20, 1992)

Section 114.70

Initial Employment Expenses (Outside City of Chicago only)

- a) Car-fare for transportation to employment referrals shall be authorized by the Department on request. Initial employment expenses shall be authorized if the individual secures employment but due to lack of funds would be unable to accept the job. Initial employment expenses shall be authorized to cover such items as special clothing and tools.

- b) Initial employment expenses may be authorized up to the receipt of the first paycheck only.

(Source: Amended at 16 Ill. Reg. 3512, effective February 20, 1992)

Section 114.80

Downstate General Assistance Work and Training Programs

- a) All nonexempt GA clients outside the City of Chicago shall accept assignment with Work and Training Programs as a condition of eligibility for General Assistance, unless there is good cause for exception. Good cause for exception includes, but is not limited to:

- 1) there is an unreasonable degree of risk to the client's health and safety; or
- 2) the client is not physically or mentally competent to perform the work; or
- 3) the assignment is not within reasonable distance of the client's home. (Commuting time would represent more than 25% of the client's work time.)

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NOTICE OF ADOPTED AMENDMENTS

Section 114.80

Downstate General Assistance Work and Training Programs (Cont'd)

b) Work and Training Projects

- 1) The local governmental unit shall cooperate with State and local agencies in establishing employment and training projects and shall itself establish projects when necessary. Such projects shall provide employment and training in one or a number of local units. Projects shall be approved pursuant to Section 9-6 of the Illinois Public Aid Code by the Department. In local governmental units receiving State funds, projects shall be established and approved within 30 days of the date the unit begins to receive State funds. If a GA receiving unit fails to have a project in operation within 30 days, further allocation of State funds may be denied.

- 2) If a GA Unit has tried to establish a work project but has been unsuccessful, the GA Unit may request an exception to the requirement of having a work project. The Department will review the request, and grant an exception to the requirement if there is good cause for the unit's inability to establish a work project, and the unit has tried unsuccessfully to establish a project in cooperation with other local governmental units and/or agencies. Good cause in such instances includes, but is not limited to, inability to locate a sponsor, inability to obtain worker's compensation insurance or small caseload size where a work project would not be cost effective. When an exception is granted it will be reviewed every six (6) months to determine if the GA Unit continues to qualify for the exception.

- c) If the recipient fails or refuses to cooperate with Work and Training Program requirements as set out in Section 9-6 of the Illinois Public Aid Code, the case will be cancelled due to non-cooperation. The client will be ineligible to receive general assistance benefits for a sanction period of three (3) payment months.

(Source: Amended at 16 Ill. Reg. 3512, effective February 20, 1992)

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NOTICE OF ADOPTED AMENDMENTS

SUBPART D: PROJECT CHANCE

Section 114.120

Employment, and Training, Rehabilitation, and Advisee for General Transitional Assistance Programs Administered by the Illinois Department of Public Aid

- a) Sections 114.121 through 114.130, apply to General Transitional Assistance (GA) cases in the City of Chicago consisting of only adults age 18 or over. This Part-subpart of the rules provides for a system of employment, and training, rehabilitation, and advisee services for Transitional General Assistance clients. To the extent that any of these Sections conflict with other Sections in this Part, these Sections shall control for such persons.

- b) Adult-GA-recipients who have filed for Supplemental Security Income (SSI) or who claim to be chronically medically unable to engage in employment and training programs shall receive an employability determination by the Department (see Section 114.121(e)).

- e) Clients found employable shall be referred to Project Chance.

- d) Clients found able to participate in employment and training (employable) but who have drug, alcohol, or mentally related barriers to employment, shall be referred for rehabilitation services. Clients referred for rehabilitation to overcome these employment barriers are excused from participation in employment, training or education programs, to the extent necessitated by their treatment (see Section 114.123).

- e) Clients found chronically medically unable to engage in employment and training programs shall be referred for SSI Advisee. Clients who have not already filed an SSI application are required to file for SSI. The SSI Advisee Unit shall file on their behalf as an authorized representative if necessary.

- f) The determination of a client's eligibility for General Assistance shall not be delayed by the Department's medical employability determination.

- g) Cash and medical assistance shall be authorized as explained below:

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NOTICE OF ADOPTED AMENDMENTS

Section 114.120

Employment, and Training, Rehabilitation, and Advisee for General Transitional Assistance Programs Administered by the Illinois Department of Public Aid (Cont'd)

- 1) Persons who shall receive a GA grant of \$154, plus special needs and full Medicaid benefits are these who have filed for SSI and:

A) are pending a medical employability determination by the Department, or

B) have been determined medically unable to participate in Project Chance employment and training programs by the Department.

- 2) The following persons shall receive a GA grant of \$154 and full Medicaid benefits:

Persons who have filed for SSI and have been found employable and able to participate in Project Chance employment and training programs, or are unable to participate and have been referred for rehabilitation services.

- 3) The remaining General Assistance clients who do not meet the criterion established above, receive a GA grant of \$154 and GA medical services.

h) Persons pending an employability determination or found chronically medically unable to engage in employment and training programs by the Department, and who have an SSI application pending, are eligible to receive the following special needs:

- 1) Telephone

A) The cost of a telephone and installation charges is allowed at the minimum community rate when the client has no access to a telephone and the service is essential because of illness.

B) No allowance is made for security deposits or past due bills.

- 2) Laundry

- A) A laundry allowance shall be provided when:
- i) neither the client nor any member of the household is physically able to do the laundry, no relative is available and housekeeping services are not provided; or
 - ii) there are no facilities for washing or drying in the home; or
 - iii) a recipient in the home is incontinent or bedfast.

- B) The Department shall provide an allowance for laundry in an amount of \$3.18.
- 3) Shopping Allowance
- The Department shall provide an allowance for shopping service in an amount not to exceed \$5.00 when the client is unable to shop and there is no one available to do it without charge.

- 4) Therapeutic Diet Allowance
- A) A therapeutic diet allowance is allowed to supplement the regular food allowance when the diet is prescribed by a physician.
- B) Standard therapeutic diet allowances provided are:
- | Type of Diet | Amount |
|--|----------|
| i) Diets (and other chronic conditions requiring a bland low residue diet) | \$ -5.95 |
| ii) Diabetic --- less than 1700 calories --- adult | \$ -7.92 |
| iii) Diabetic --- 1700 calories or more --- adults | \$ 17.82 |

- Section 114.120
- Employment, and Training, Rehabilitation, and Advice for General Transitional Assistance Programs Administered by the Illinois Department of Public Aid (Cont'd)
- iv) High-protein, High-calorie High-vitamin \$12.85
- C) Approval of an allowance in a different amount or when only a partial food allowance is authorized, or for a non-standard diet requires approval of the Department. Nonstandard diets are approved by the Bureau of Provider Services (Bureau) on a case-by-case basis. The Bureau approves the additional allowance if, in the opinion of the dietitian, the diet requested is medically indicated for the recipient's condition. Information is provided on a standardized form, including the diagnosis and the type of diet requested. The form must be signed by a licensed physician. A dietitian consultant reviews the request by comparing the cost of the special foods requested with the cost of normal foods. The Bureau then determines whether to approve the additional allowance, rather than the diet itself.

- 5) Restaurant Allowance
- An allowance for meals in restaurants shall be allowed when a client has no facilities for the preparation of food, or is unable to cook, and has no one who will prepare meals.
- A) The allowance for three meals per day, seven days per week in a restaurant is \$63.95 monthly.
- B) When fewer than three meals per day are required to be eaten in restaurants, the total restaurant allowance is to be authorized for the following amounts:
- | | |
|--------------|---------|
| i) Breakfast | \$12.78 |
| ii) Lunch | \$19.19 |

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Section 114.121

Persons Required to Participate in
Employment-and-Training Project Chance
(Cont'd)

Section 114.121

Persons Required to Participate in
Employment-and-Training Project Chance
(Cont'd)

programs as determined by the Department when a physician or licensed/certified psychologist finds that a physical or mental impairment (or combination of impairments), either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or training programs. This determination will be made by considering whether the physical or mental impairment can be expected to last at least six (6) months and whether the physical or mental impairment (or combination of impairments) would make it difficult for the client to attend classes or training, or to seek a job in person or make success in a training program unlikely or make successful performance of a full-time job unlikely. In making this determination, a client's age and lack of education shall be considered;

- d) ~~homeless~~-Homeless persons. Under this exemption, a homeless person is someone who has no current residence and no expectation of acquiring a residence in the next thirty (30) days. This definition excludes individuals who are living with friends or relatives on a continuing basis. This definition includes persons residing in overnight or transitional shelters;

- e) ~~individuals~~-Individuals who are participating and cooperating in a rehabilitation service program under Section 114.123;

- f) ~~persons~~-Persons who are temporarily ill.

- 1) An individual is temporarily ill, when determined by the Department, on the basis of medical evidence or on another sound basis, that the illness/injury is serious enough to temporarily prevent the individual from engaging in employment or participating in Project Chance. A sound basis for exemption on a temporary basis includes but is not limited to:

- A) the observation of a cast on a broken leg; or
B) information of a scheduled surgery or recuperation from surgery.

- 2) ~~minor~~-Minor ailments and injuries such as colds, broken fingers or rashes are normally not serious enough ~~normally~~ to exempt the individual under this criterion.

- g) ~~persons~~-Persons who have another household member who requires the full-time care of the client; and

- h) ~~persons~~-Persons who are full-time VISTA volunteers under Title I of the 1973 Domestic Volunteer Services Act (42 U.S.C. 4951 et seq.) who were a recipient of public assistance under Article VI of the Illinois Public Aid Code (Ill. Rev. Stat. 1985-1989, ch. 23, pars. 6-1 et seq.) when they joined VISTA, or are a full-time volunteer under Title II (i.e., foster grandparents, senior health aides, senior companions, or persons serving in the Senior Corps of Retired Executives (SCORE) (15 U.S.C. 637 et seq.) and Active Corps of Executives (ACE) of the Act (15 U.S.C. 637 et seq.).

(Source: Amended at 16 Ill. Reg. 3512, effective February 20, 1992)

Section 114.122

Advocacy Program for Persons Who Have
Applied for Supplemental Security Income
(SSI) Under Title XVI of the Social Security
Act (Repealed)

- a) The Department shall determine if a client who has applied for SSI under Title XVI of the Social Security Act is chronically medically unable to participate in employment and training programs. For those so determined, the Department shall establish an advocacy program to help the client pursue the SSI application and, if the client is found ineligible for SSI initially, to help the client pursue the SSI reconsideration and appeal process. Such clients shall not be required to participate in or cooperate with any other employment, training or rehabilitation program as a condition of eligibility for assistance. Recipients found to be not chronically medically unable to participate in the employment and training programs by the Department but who have an application

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NOTICE OF ADOPTED AMENDMENTS

Section 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed) (Cont'd)

for SSI-pending shall be required to participate and cooperate in employment and training programs as a condition of eligibility for General Assistance.

- b) Clients who have applied for SSI but who are determined not chronically medically unable to participate in employment and training programs may appeal this determination. The client will not be required to participate in employment and training programs or in work rehabilitative services until the time for appeal (60 days) has expired or, if the client has appealed, the appeal decision has been issued.

- e) Recipients found not chronically medically unable to participate in employment and training programs and who have an SSI application pending, may volunteer for participation in the Advocacy program.

- d) Responsibilities of the SSI Advocacy Unit include but are not limited to:

- 1) Assisting the client in completing all forms required for the SSI process;
- 2) Assisting the client in securing and providing all medical information required for the SSI process;
- 3) Ensuring that the client attends all scheduled SSI appointments including issuing carfare or arranging for other transportation, when necessary;

- 4) Contacting the Social Security Administration (SSA) to request rescheduling of a client appointment, when required;

- 5) Maintaining contact with the SSA regarding the status of the SSI application;

- 6) Documenting all contacts with the client or SSA;

- 7) Initiating the SSI appeal/reconsideration process.

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NOTICE OF ADOPTED AMENDMENTS

Section 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed) (Cont'd)

if the SSI application is denied through the Administrative Law Judge level.

- 8) Referring the case for assistance under the Aid to the Aged, Blind or Disabled (AAPD) program upon approval of the SSI application and advising the CA office to cancel the CA case;

- 9) Follow-up after a decision by the Administrative Law Judge, including obtaining a copy of the decision and referring the case for appropriate re-evaluation in the case of a decision by the Administrative Law Judge that the client is not disabled or blind, and

- 10) Maintaining statistics on case referrals, actions taken and dispositions.

- e) The Department accepts the finding of the Administrative Law Judge (ALJ) as final. If the ALJ finds the client "not disabled" or "not blind", the levels of cash and medical assistance will be adjusted in accordance with Section 114.120. The client shall be reevaluated to determine if the client remains chronically medically unable to participate in employment and training programs. The client will be evaluated for placement in employment and training programs, work rehabilitation services or SSI Advocacy. The client will be placed in SSI Advocacy a second time only if:

- 1) there is a change in the client's medical condition supported by medical documentation;

- 2) there is a change in other factors, such as age or work experience that make it more likely the client would now be found disabled by SSA; or

- 3) there is a determination that better representation might result in a finding of disability.

(Source: Repealed at 16 Ill. Reg. 3512, effective February 20, 1992)

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NOTICE OF ADOPTED AMENDMENTS

Section 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)

a) The Department shall establish or make use of existing drug or alcohol abuse programs to help recipients of General Assistance overcome drug and alcohol related barriers to employment. Clients may be referred to such programs when the Department determines that drug or alcohol abuse is raising a substantial barrier to the client's ability to participate in employment and training programs. However, the client may also voluntarily participate and cooperate in employment and training programs to the extent such participation does not interfere with treatment under the Work Rehabilitative Services (WRS) program.

b) The Department shall also provide or make use of existing services for persons who are mentally incapacitated, and for whom the Department determines such mental incapacity raises a substantial barrier to the client's ability to participate in employment and training programs. However, the client may also be required to participate and cooperate in other employment and training programs under this Section, to the extent such participation does not interfere with treatment under the WRS program. Work Rehabilitation services shall be provided to assist the mentally incapacitated to develop their abilities to the greatest extent possible to promote independence and, where possible, develop marketable skills. Referrals will be made to public and private social service agencies, such as the Department of Mental Health and Developmental Disabilities or Goodwill Industries.

c) Using case management techniques, WRS shall work with the client to secure the appropriate service resource. The WRS shall monitor client progress and shall refer the client for Project Chance participation, as appropriate.

d) Clients in WRS shall not be sanctioned for failure to cooperate or an inability to cooperate in WRS programs. If a client fails or is unable to cooperate, the client shall be put into a different

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NOTICE OF ADOPTED AMENDMENTS

Section 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed) (Cont'd)

WRS program shall be referred to SSI-Advocacy or shall be placed in Project Chance.

(Source: Repealed at 16 Ill. Reg. 3512, effective February 20, 1992)

Section 114.124 Employment and Training Participation/ Cooperation Requirements

a) The Department shall establish employment and training programs for recipients in General Assistance programs administered by the Department. All General Assistance recipients not exempt under Section 114.121, shall participate and cooperate in Department employment and training programs. The client will be given, in writing, the participation requirements for each component to which the client is assigned. General Assistance recipients in WRS programs under Section 114.123, may voluntarily participate and cooperate in employment and training to the extent such participation does not interfere with treatment under the WRS program. These employment and training programs include:

- 1) Job Search;
- 2) Pre-Employment;
- 3) Job Club;
- 4) Work Experience; and
- 5) Special Projects.

b) The client may be required to participate in such employment and training programs for up to five (5) days per week and forty (40) hours per week. The amount of time the client is required to participate in the employment and training programs shall not be limited by the client's grant amount or by the relation of the grant amount to the hours of participation and applicable minimum wage, except that work experience jobs shall be limited to hours

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NOTICE OF ADOPTED AMENDMENTS

Section 114.124 Employment and Training Participation/
Cooperation Requirements (Cont'd)

reflecting the grant amount, food stamps and minimum wage as defined in Section 114.127(d)(3).

- c) A mandatory registrant is required to participate in Project Chance by:
- 1) Cooperating with Project Chance. Cooperation with Project Chance is defined as providing information on the individual's background, education level, work history as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, family problems, etc.), appearing for scheduled meetings, and complying with the requirements of Project Chance components identified in Section 114.127.
 - 2) Job Contacts in Job Search. Mandatory registrants are required to make twenty (20) acceptable employer contacts in every thirty (30) calendar days while in the Job Search component.
 - A) Ten (10) of the twenty (20) required contacts must be either:
 - i) the completion and return of an application; or
 - ii) a face to face interview with an employer.
 - B) The remaining ten (10) contacts may be any combination of the following:
 - i) the completion and return of an application;
 - ii) a face to face interview with an employer;
 - iii) the completion of a civil service test required for employment with State, Local, or Federal Government;
 - iv) the completion of a Job Service screening test;

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Section 114.124 Employment and Training Participation/
Cooperation Requirements (Cont'd)

- v) the mailing of a resume with a covering letter to an employer;
 - vi) for union members in good standing, reporting to the union hall;
 - vii) reporting to a day labor hall; and
 - viii) reporting for temporary office service.
- C) Acceptable contacts are documented by written statements provided to the Project Chance Worker by the registrant. The Project Chance worker may verify the job contact by contacting the employer.
- D) No client shall be sanctioned for failure to make the appropriate number of job contacts if the client has made a good faith effort to make the job contact. Whether a client has made a good faith effort to make the required number and types of contacts is based on all the facts and circumstances of each case.
- E) Good faith effort exists when circumstances beyond the control of the client prevent the client from making the required number of contacts. Good faith effort may include, but is not limited to the following:
- i) the client appears for a scheduled interview and the employer misses the appointment;
 - ii) the client has less than twenty (20) contacts and/or less than ten (10) interviews or applications, but came reasonably close to the required numbers in an effort to find work;
 - iii) the client fails a civil service or other employment screening test;
 - iv) the client completes an application

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Section 114.124 Employment and Training Participation/ Cooperation Requirements (Cont'd)

which is not accepted by the employer; and

- v) the client's job search performance indicates that he should be in a different Project Chance component or General Assistant component under Sections 114.122 and 114.123.
- 3) Responding to a job referral of suitable employment (i.e., a written statement referring a mandatory registrant to an employer for a specific position);
- 4) Accepting a bona fide offer of suitable employment. A mandatory registrant must be given the opportunity to explain why an offer of employment was not accepted.
- A) A bona fide offer of suitable employment is where there was a definite offer of employment substantiated by confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community, based on information obtained from the Department of Employment Security; and
- B) Suitable employment must meet the following requirements:
 - i) there are no questions as to the mandatory registrant's inability to engage in such employment for medical reasons or because he has no way to get to or from the particular job; and
 - ii) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
 - iii) wages offered must be at least the Federal minimum wage, the State minimum wage, or \$3.35/hour (if

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Section 114.124 Employment and Training Participation/ Cooperation Requirements (Cont'd)

neither the Federal nor State minimum wage is applicable);

- iv) if the wages are offered on a piece-rate basis, the amount the client can reasonably be expected to earn must equal the wages as outlined in Section 114.124(a)(4)(B)(iii) above;
- v) the mandatory registrant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
- vi) there is no unreasonable degree of risk to the mandatory registrant's health and safety; and
- vii) the mandatory registrant is physically and mentally competent to perform the work.
- 5) Registering and appearing for any subsequent interviews, at the Department of Employment Security's Job Service offices.
- d) Additionally, after registration is completed, those Project Chance mandatory registrants who are employed must:
 - 1) continue their employment; and
 - 2) not reduce their employment (i.e., voluntarily reducing work hours).
- e) Failure to participate/cooperate with the Project Chance requirements listed in this Section will result in sanction as outlined in Section 114.128, if the client has been provided a full assessment. If the client has not received a full assessment and fails to cooperate, the client shall be called in to receive a full assessment.

(Source: Amended at 16 Ill. Reg. 3512, effective February 20, 1992)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: OTHER PROVISIONS

Section 114.400 Persons Who May Be Included In the Assistance Unit

a) General Assistance-Family-Family and Children Assistance cases

1) General Assistance cases which include a child or a pregnant woman in the assistance unit are provided assistance through the Children and Family Assistance program classified-as-family-eases. Children and Family assistance cases must include at least one eligible child or a pregnant woman. A child is defined as a person who is:

A) under-Under age 18; and-married-but-net-living-with-his/her-spouse,-or

B) age-Age 18, 19-or-20-and is living with his/her natural or adoptive parent, or and is a full time student in a secondary school, or the equivalent level of vocational or technical training and reasonably can be expected to graduate, or complete the program, before reaching age 19.

C) under-age-18-and-net-married-

2) Only the following adults may be included in a family case:

A) a-A specified relative of the child and the spouse of the specified relative,-or

B) the-The legal guardian of the child and the spouse of the legal guardian,-or

C) the-The child's parents, regardless of age or marital status.

b) General-Transitional Assistance adult-cases

1) General Assistance cases-is provided through the Transitional Assistance program are-classified-as-adult-eases-when assistance is being requested by or on behalf of an individual defined by the Department as an adult. An adult is defined as a person who is:

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NOTICE OF ADOPTED AMENDMENTS

Section 114.400 Persons Who May Be Included In the Assistance Unit (Cont'd)

A) age-Age 21-18 or over,-or

B) married-Married and living with his/her spouse, regardless of age, even if living in the residence of a natural or adoptive parent,-or

C) age-18,-19-or-20-and-net-living-with-his/her-natural-or-adoptive-parent,

2) In an adult Transitional Assistance case, only the eligible individual shall be included in the assistance unit.

C) Any person under the age of 18 who does not reside with a parent, legal guardian or spouse is ineligible for Transitional or Children and Family Assistance.

(Source: Amended at 16 Ill. Reg. 3512, effective February 20, 1992)

Section 114.420 Redetermination of Eligibility

a) For GA Children and Family Assistance cases and Transitional Assistance cases outside the City of Chicago A redetermination of eligibility shall be conducted every five months.

b) For GA Child and Family Assistance cases in the City of Chicago, A redetermination of eligibility shall be conducted every five months unless the recipient-is-a person(s) included in the case is participating in Project Chance. For recipients-such cases participating in Project Chance a redetermination shall be conducted every ten (10)-months.

C) Transitional Assistance cases in the City of Chicago shall be redetermined as follows:

1) For cases in which the individual has been determined to be not employable, a redetermination shall be completed at least every five months.

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NOTICE OF ADOPTED AMENDMENTS

Section 114.420 Redetermination of Eligibility (Cont'd)

- 2) For cases receiving GA on July 1, 1991, and participating in Project Chance, during the fiscal year beginning July 1, 1991, a redetermination shall be completed every ten months.

e)d) For all cases when the Department receives information is received which indicates a change in recipient's eligibility or amount of assistance or change of address, a review of eligibility will be conducted within 30 days.

(Source: Amended at 16 Ill. Reg. 3512, effective February 20, 1992)

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: MEDICAL PAYMENT

- 2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Adopted Action:

140.11 Amendment
140.469 Amendment
140.561 Amendment

4) Statutory Authority:

89 Ill. Adm. Code 140.11

Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

89 Ill. Adm. Code 140.469

Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

89 Ill. Adm. Code 140.561

Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

- 5) Effective Date of Adopted Amendments: February 28, 1992

- 6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

- 7) Do these Adopted Amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: February 28, 1992

- 9) Notice of Proposals Published in Illinois Register:

89 Ill. Adm. Code 140.11

May 10, 1991 (15 Ill. Reg. 6949)

89 Ill. Adm. Code 140.469

September 20, 1991 (15 Ill. Reg. 13685)

Section Numbers	Proposed Action	Illinois Register Citation
140.552	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.560	Amendment	April 19, 1991 (15 Ill. Reg. 5585)
140.562	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.565	Amendment	January 24, 1992 (16 Ill. Reg. 1492)
140.583	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.600	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.602	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.604	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.608	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.610	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.612	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.614	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.835	Repealed	November 8, 1991 (15 Ill. Reg. 15933)

15) Summary and Purpose of Adopted Amendments:
89 Ill. Adm. Code 140.11

This rulemaking clarifies existing policy by providing that nursing home provider agreements are automatically assigned to new owners or lessees when facilities are sold or leased.

89 Ill. Adm. Code 140.469	This revision eliminates specific reference to calculation of payment rates for Hospice clients and rather indicates that the Department pays an add-on amount as mandated by OBRA'89.
89 Ill. Adm. Code 140.561	This rulemaking provides for reimbursement for support costs of small scale ICF/DD facilities with four or six beds.
16) Information and questions regarding these Adopted Amendments shall be directed to:	
89 Ill. Adm. Code 140.11	Name: Daniel C. Leikvold, Staff Attorney Office of the General Counsel
	Address: Illinois Department of Public Aid Jesse B. Harris Building II 100 South Grand Avenue East, 3rd Floor Springfield, Illinois 62762
	Telephone: (217) 782-1233
89 Ill. Adm. Code 140.469	Name: Daniel C. Leikvold, Staff Attorney Office of the General Counsel
	Address: Illinois Department of Public Aid Jesse B. Harris Building II 100 South Grand Avenue East, 3rd Floor Springfield, Illinois 62762
	Telephone: (217) 782-1233
89 Ill. Adm. Code 140.561	Name: Daniel C. Leikvold, Staff Attorney Office of the General Counsel
	Address: Illinois Department of Public Aid Jesse B. Harris Building II 100 South Grand Avenue East, 3rd Floor Springfield, Illinois 62762

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Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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- 140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under GA
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

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- 140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
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140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory

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amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10

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Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 10 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1980, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 thru 140.914 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 thru 147.207 Table A and 147.208 thru 147.209 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September

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28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366,

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effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section 140.11 Enrollment Conditions for Medical Providers

- a) In order to enroll for participation, providers shall:
- 1) Hold a valid, appropriate license where State law requires licensure of medical practitioners, agencies, institutions-institutions and other medical vendors;
 - 2) Be certified for participation in the Title XVIII Medicare program where Federal or State rules and regulations require such certification for Title XIX participation;

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Section 140.11 Enrollment Conditions for Medical Providers
(Cont'd)

- 3) Be certified for Title XIX when Federal or State rules and regulations so require;
- 4) Provide enrollment information to the Department in the prescribed format, and notify the Department, in writing, immediately whenever there is a change in any such information which the provider has previously submitted;
- 5) Provide disclosure, as requested by the Department, of all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business, enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services to public aid recipients; and
- 6) Have a written provider agreement on file with the Department.
- b) Approval of a corporate entity such as a hospital, nursing-home, pharmacy, laboratory, etc., as a participant in the Medical Assistance Program applies only to the entity's existing ownership, corporate structure and location; therefore, participation approval is not transferable.
- c) For long term care providers, when there is a change of ownership of a facility or a facility is leased to a new operator, the provider agreement shall be automatically assigned to the new owner or lessee. Such assigned agreement shall be subject to all conditions under which it was originally issued, including, but not limited to, any existing plans of correction or additional requirements imposed by the Department.

(Source: Amended at 16 Ill. Reg. 3552, effective February 28, 1992)

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SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.469 Hospice

- a) Hospice is a continuum of palliative and supportive care, directed and coordinated by a team of professionals and volunteer workers who provide care to terminally ill persons to:
 - 1) reduce or abate pain or other symptoms of mental or physical distress, and
 - 2) meet the special needs arising out of the stresses of terminal illness, dying or bereavement.
- b) Hospice care is a covered service for all eligible clients, including residents of intermediate and skilled care facilities, when provided by a Medicare certified hospice provider and in accordance with provisions contained in 42 CFR 418.1 through 418.405.
- c) Covered services include:
 - 1) Nursing care
 - 2) Physician services
 - 3) Medical social services
 - 4) Short term inpatient care
 - 5) Medical appliances, supplies and drugs
 - 6) Home health aide services
 - 7) Therapy and speech-language pathology services to control symptoms
- d) Reimbursement shall be at the established Medicare rate for the specific level of care into which each day of care is classified. The four levels of care are:
 - 1) Routine Home Care. The hospice will be paid the routine home care rate for each day the patient is at home, under the care of the hospice, and not receiving continuous home care. This rate is

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Section 140.469 Hospice (Cont'd)

paid without regard to the volume or intensity of routine home care services provided on any given day.

- 2) Continuous Home Care. The continuous home care rate will be paid when continuous home care is provided. The continuous home care rate is divided by 24 hours in order to arrive at an hourly rate. A minimum of eight (8) hours must be provided. For every hour or part of an hour of continuous care furnished, the hourly rate will be reimbursed to the hospice up to 24 hours a day.

- 3) Inpatient Respite Care. The inpatient rate will be paid each day on which the beneficiary is in the approved inpatient facility and is receiving respite care. Payment for respite care may be made for a maximum of five (5) days at a time, including the date of admission, but not counting the date of discharge. Payment for the sixth day and any subsequent days is to be made at the routine home care rate.

- 4) General Inpatient Care. The inpatient rate will be paid when general inpatient care is provided. None of the other fixed payment rates (i.e., routine home care) will be applicable for a day on which the patient receives hospice inpatient care except for the day of discharge from an inpatient unit. In which case, the appropriate home care rate is to be paid unless the patient dies as an inpatient.

- e) When the individual resides in an ICF or SNF facility, the Department shall provide payment of an add-on amount to the hospice on routine home care and continuous home care days. ~~The add-on amount shall constitute payment for room and board and shall be equal to the support and capital rate paid by the Department for all Medicaid clients residing in the specific ICF or SNF facility. The add-on amount will constitute a portion of the facility rate the State would be responsible for as mandated by 42 CFR 418.1-418.205.~~

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Section 140.469 Hospice (Cont'd)

- f) The hospice shall receive an add-on amount for other physician services such as direct patient care when physician services are provided by an employee of the hospice or under arrangements made by the hospice unless those services are performed on a volunteer basis. These add-on amounts will be utilized when determining the hospice cap amount.

- g) Medicaid payment to a hospice provider for care furnished over the period of a year shall be limited by a payment cap as set forth in 42 CFR § 418.309. Any overpayment shall be refunded by the hospice provider.

(Source: Amended at 16 Ill. Reg. 3552, effective February 28, 1992)

SUBPART E: GROUP CARE

Section 140.561 Support Costs Components

Support Costs Components (includes laundry, dietary, house-keeping, utility and administrative expenses)

- a) The Department shall reimburse each facility for support costs associated with the provision of long term care on the basis of the relationship between the facility's per diem allowable support costs and referent values determined for each Health Service Area (HSA) group from the distribution of per diem allowable support costs for all long term care facilities with adequate cost report data. For all facilities with a Department of Public Health license classification SNF/ICF (Skilled Nursing Facility, Intermediate Care Facility) or ICF/DD (Intermediate Care Facility for the Developmentally Disabled), the support rate will be computed as follows for the rate year to begin July 1, 1989, and subsequent years:

- 1) If a facility's per diem allowable support costs are less than the 35th percentile value for per diem allowable support costs in the HSA group, the support rate will be equal to the facility's per diem allowable support costs plus 50% of the difference between the 75th percentile value for per diem allowable support costs in the HSA group and the facility's per diem allowable support

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Section 140.561 Support Costs Components (Cont'd)

costs, up to a ceiling. The ceiling shall be equal to 50% of the difference between the 75th percentile value of allowable per diem support costs for the HSA group and the 35th percentile value of allowable per diem support costs for the HSA group plus \$.05.

2) If a facility's per diem allowable support costs are greater than or equal to the 35th percentile value of per diem allowable support costs for the HSA group and less than the 75th percentile value of per diem allowable support costs for the HSA group, the support rate will be equal to the facility's per diem allowable support costs plus 50% of the difference between the 75th percentile value of per diem allowable support costs for the HSA group and the facility's per diem allowable support costs.

3) If a facility's per diem allowable support costs are equal to or greater than the 75th percentile value of per diem allowable support costs for the HSA group, the support rate will be equal to the 75th percentile value of per diem allowable support costs for the HSA group.

4) For the purpose of reimbursement, the Department shall equalize SNF and ICF support costs by

A) subtracting from SNF support costs a factor which represents variable support costs statistically related to patient condition, and

B) including this factor as part of SNF nursing costs.

b) Small scale ICF/MR facilities which are licensed as Intermediate Care Facilities for the Developmentally Disabled with four or six beds (ICF/DD-4, ICF/DD-6) (see 89 Ill. Adm. Code 144.300 and 144.325) are separately licensed facilities. However, for support reimbursement, the per diem is based on a sixteen person capacity and the sum of the support cost components is aggregated over four 4-person ICFs/DD, or one 4-person plus two 6-person ICFs/DD. The set of small scale ICFs/DD used in computing the support per

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Section 140.561 Support Costs Components (Cont'd)

diem will be identified in the provider agreements. All facilities in a set must be within the boundaries of the same HSA. Removal and/or addition of a small scale ICF/DD which is part of a set requires both a written notice by the provider 90 days before the beginning of a fiscal year (July 1), or upon certification in the case of a new facility which is licensed, and a change in the affected provider agreement that identifies the membership of the set. Each per diem calculated by aggregating allowable support costs over the specified set of small scale ICFs/DD based on a sixteen person capacity will be treated as a single facility licensed as ICF/DD-16, and will be included in the computation of support rates described in subsection d).

b)c) For all facilities with a Department of Public Health license classification SNF/PED (Skilled Nursing Facility for Pediatric residents), the support rate will be computed exactly as described for the SNF/ICF and ICF/DD facilities, except that the referent value for each HSA group (i.e. the 35th percentile values and the 75th percentile values for per diem allowable support costs) will be increased to 120% of the referent values applied in the computation of the support rates for SNF/ICF and ICF/DD facilities.

e)d) For all facilities with a Department of Public Health license classification ICF/DD-1516 (Intermediate Care Facility for the Developmentally Disabled with 1516 or fewer residents or a set of small scale ICFs/DD with a sixteen person capacity), the support rate will be computed by regionalizing the 35th percentile values and the 75th percentile values for per diem allowable support costs based upon cost of facilities or sets of facilities licensed as ICF/DD-1516. A set of facilities licensed as ICF/DD-4 or ICF/DD-6 are considered as an ICF/DD-16 for the purpose of support reimbursement and the support rate is computed exactly as described for ICF/DD-16 facilities. All ICFs/DD-16, including sets of ICF/DD-4 and/or ICF/DD-6 facilities, will be used to locate the 35th percentile and the 75th percentile values for per diem allowable support costs. Those sets of small scale facilities which have support costs above the 75th percentile will be reimbursed for

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Section 140.561 Support Costs Components (Cont'd)

support costs up to, but not to exceed, 106.6% of the 75th percentile.

(b) For all facilities with a Department of Public Health license classification SLIC (Specialized Living Center), as determined by the Department of Mental Health and Developmental Disabilities and recognized by the Department of Public Aid, the support rate will be computed exactly as described for the SNF/ICF and ICF/DD facilities, except that the referent values for each HSA group (i.e. the 35th percentile values and the 75th percentile values for per diem allowable support costs) will be increased to 152.8% of the referent values applied in the computation of the support rates for SNF/ICF and ICF/DD facilities.

e) ~~The reimbursement methodologies specified by this Section will apply to all services provided on and after July 1, 1985.~~

(Source: Amended at 16 Ill. Reg. 3552, effective February 28, 1992)

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- 1) Heading of the Part: Hotel Operators' Occupation Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 480
- 3) Section Numbers: 480.101
Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 120, par. 481b31 et seq.
- 5) Effective Date of Amendment(s): February 25, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 25, 1992
- 9) Notice of Proposal Published in Illinois Register: Issue 43, 10/25 '91, 15 Ill. Reg. 15422
- 10) Has ICAR issued a Statement of Objections to these Amendments?: No
- 11) Differences between proposal and final version: No changes were made to the rulemaking.
- 12) Have all the changes agreed upon by the agency and ICAR been made as indicated in the agreement letter issued by ICAR? No changes were made.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part?: No
- 15) Summary and Purpose of Amendment(s): This rulemaking updates Section 480.101 to reference the current rate of tax under the Hotel Operators' Occupation Tax Act.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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Stanley T. Cichowski
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Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
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TITLE 86: REVENUE

CHAPTER 1: DEPARTMENT OF REVENUE

PART 480

HOTEL OPERATORS' OCCUPATION TAX ACT

Section
480.101 Nature, Rate and Scope of the Tax
480.105 Definitions
480.110 Registration and Returns
480.115 Books and Records
480.120 Penalties, Interest and Procedures
480.125 Claims to Recover Erroneously Paid Tax

AUTHORITY: Implementing The Hotel Operators' Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 481b.31 et seq.) and authorized by Section 39b27 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 39b27).

SOURCE: Adopted July 6, 1962; codified at 8 Ill. Reg. 8611; amended at 13 Ill. Reg. 10693, effective June 16, 1989; amended at 16 Ill. Reg. 3578, effective February 25, 1992.

Section 480.101 Nature, Rate and Scope of the Tax**a) Nature and Rate of Tax**

1) The Hotel Operators' Occupation Tax Act imposes a tax upon persons engaged in the business of renting, leasing or letting rooms in a hotel at the rate of 5% of 95% 94% of the gross rental receipts from such renting, leasing or letting, excluding, however, from said gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of such hotel (i.e., from persons who occupy or have the right to occupy such rooms for at least thirty consecutive days).

2) There is also imposed an additional tax upon persons engaged in the business of renting, leasing or letting rooms in a hotel at the rate of 1% of 94% of the gross rental receipts from such renting, leasing or letting, excluding, however, from gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of that hotel.

23) A hotel is any kind of building in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. (For a more complete definition of "hotel", see Section 480.105 of this Part.)

34) The exclusion for permanent residents means that the tax is imposed on the business of renting rooms for use as living quarters, or for sleeping or housekeeping accommodations, where such renting is done on a transient basis.

45) The tax is an occupation tax whose legal incidence is on the

The full text of the Adopted Amendments begins on the next page:

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lessor of the rooms. Nevertheless, persons subject to the tax imposed by The Hotel Operators' Occupation Tax Act may reimburse themselves for their tax liability under the Act by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with any locally imposed Hotel Operators' Occupation Tax imposed pursuant to Section 8-3-13 of the Illinois Municipal Code--(Ill--Rev--Stat--1983--Ch--247--Par--8-3-13).

55) Any amount added to a taxable rental charge and collected because of the tax also represents a portion of the gross rental receipts that are subject to the tax. However, the tax rate, instead of being a flat 5.66% of total receipts, has been adjusted by the General Assembly so as to be 5% of 95.94% plus 1% of 94% of total receipts, in order to avoid the payment of tax on amounts which are added to rental charges because of the tax.

b) Scope of the Tax--Examples of Taxability and Exemption

1) Since The Hotel Operators' Occupation Tax is imposed on receipts from renting rooms for living quarters, or for sleeping or housekeeping accommodations, the tax does not apply to the receipts from the renting of rooms for other purposes, such as for use as display rooms or sample rooms, as meeting rooms, as offices or as private dining rooms.

2) Since the tax is limited to the renting of rooms to the "public", a private club which restricts its renting of rooms to its members and their guests would not be liable for the tax on its rental receipts from such rooms.

3) The business of renting rooms to the public for use as living quarters, or for sleeping or housekeeping accommodations, is subject to the tax even if the person paying for the room may be a church, charity or school or some other kind of nonprofit organization, and even if the person paying for the room may be a governmental agency or instrumentality (Federal, State or local, or even a foreign government).

4) There is no exemption simply because the lessor of the rooms is a nonprofit organization, such as a church, charity or school. However, a college or other school is not subject to the tax on its receipts from renting rooms to its students for use as living quarters or for sleeping or housekeeping accommodations because this is not the renting of the rooms to the "public". Nevertheless, if the school rents rooms for such purposes to persons who are not enrolled with the school in courses of study for credit, such renting is not being done to students, but is being done to the "public", and the school incurs Hotel Operators' Occupation Tax liability on its rental receipts from this activity, if such lessees do not qualify as permanent residents.

5) Likewise, the renting of rooms on a transient basis to the public for use as living quarters or sleeping or housekeeping accommodations where the lessor is a charitable organization,

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such as the Y.M.C.A. or the Y.W.C.A., is subject to The Hotel Operators' Occupation Tax.

6) If an operator should make a separate and specific charge for the use of bedding or other facilities furnished in connection with the use of a room as living quarters or for sleeping or housekeeping accommodations, the operator's additional receipts from this source are subject to The Hotel Operators' Occupation Tax. However, that tax does not apply to the operator's receipts from selling food, beverages or other tangible personal property, nor to receipts from the selling of tickets to theatre performances or other similar activities, nor to other receipts which are not in any way reasonably connected with or attributable to the renting, leasing or letting of rooms for use as living quarters or for sleeping or housekeeping accommodations. Provided that exemption for such nontaxable receipts cannot be claimed unless supported by proper books and records as provided for in Section 4 of The Hotel Operators' Occupation Tax Act and in Section 480.115 of this Part.

c) How to Compute Applicable Tax Rate or Effective Date of New Tax

1) For the purposes of The Hotel Operators' Occupation Tax Act, any tax liability incurred in respect to the renting, leasing or letting of rooms in a hotel shall be computed by applying, to the gross receipts from such renting, leasing or letting, the tax rate in effect as of the date when the lessee occupies a specific room or rooms or becomes irrevocably liable to pay rent for the right to occupy a specific room or rooms. Deposits paid in advance shall be deemed to be received as rental receipts when the specific room or rooms to which such deposit is applied as rent shall be deemed to be rented, leased or let within the meaning of the preceding sentence.

2) Likewise, when something that has been exempted becomes taxable as to room renting, leasing or letting that occurs on or after some particular date, the date of renting, leasing or letting for this purpose shall be deemed to be the date when the lessee occupies a specific room or rooms or becomes irrevocably liable to pay rent for the right to occupy a specific room or rooms.

(Source: Amended at 16 Ill. Reg. 3578, effective February 25, 1992)

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NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: RIGHTS AND PRIVILEGES

The full text of the emergency amendments begins on the next page:

2) Code Citation: 20 Ill. Adm. Code 5253) Section Numbers: Emergency Action:

525.110

Amend

525.140

Amend

4) Statutory Authority: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections (Ill. Rev. Stat., 1989, ch. 38, par. 1003-2-2).5) Effective Date of Amendments: February 20, 1992

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date Filed in Agency's Principal Office: February 20, 19928) Reason for Emergency: This emergency rulemaking is necessary to amend rules to comply with a federal court decision (Stone-El vs. Fairman, et al, 88 C 7784, N.D. Ill.) to prevent future litigation and potential damage awards.9) A Complete Description of the Subjects and Issues Involved: The practice of opening and inspecting mail sent to clerks of courts by committed persons was recently found to be impermissible. This rulemaking establishes that mail sent by committed persons to clerks of courts is privileged mail which is not subject to inspection and clarifies that mail sent by clerks of courts to committed persons is still non-privileged mail which is subject to being opened and inspected prior to delivery to the committed person.10) Are there any proposed amendments to this Part pending? No.11) Statement of Statewide Policy Objectives: Not applicable; this rulemaking does not affect schools or local government.12) Information and questions regarding this amendment shall be directed to:Name: William H. Craine, Ph.D., Deputy Director

Illinois Department of Corrections

Address: 1301 Concordia Court

P. O. Box 19277

Springfield, Illinois 62794-9277

Telephone: 217/522-2666

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER e: OPERATIONS

PART 525
RIGHTS AND PRIVILEGES

SUBPART A: VISITATION

Section	
525.10	Applicability
525.12	Definitions
525.15	Responsibilities
525.20	Visiting Privileges
525.30	Clergy Visitation
525.40	Attorney Visitation - Adult and Community Services Divisions
525.50	Attorney Visitation - Juvenile Division (Court Agreement)
525.60	Restriction of Visitors

SUBPART B: MAIL AND TELEPHONE CALLS

Section	
525.100	Applicability
525.110	Definitions
EMERGENCY	
525.115	Responsibilities
525.120	Processing of Mail
525.130	Outgoing Mail
525.140	Incoming Mail
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525.150	Telephone Privileges

SUBPART C: PUBLICATIONS

Section	
525.200	Applicability
525.202	Definitions
525.205	Responsibilities
525.210	General Guidelines
525.220	Publications Review Committee
525.230	Appeal Process for Non-approved Publications

SUBPART D: MARRIAGE OF COMMITTED PERSONS

Section	
525.300	Applicability
525.302	Definitions
525.305	Responsibilities

525.310 Request for Permission to Marry

AUTHORITY: Implementing Sections 3-2-2(d) and (1), 3-7-1, 3-7-2, 3-7-4, 3-8-7 and 3-10-8 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, pars. 1003-2-2(a) and (1), 1003-7-1, 1003-7-2, 1003-7-4, 1003-8-7 and 1003-10-8) and Section 1-3(9) of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1989, ch. 37, par. 801-3(9)) and authorized by Sections 3-2-2, 3-7-1, and 3-7-4 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, pars. 1003-2-2, 1003-7-1, and 1003-7-4). Subparts A and C are also implementing Consent Decrees (Tillman vs. Rowe, #77 C 1008, N.D. Ill., 1977 and Green vs. Stelaff, #71 C 1403, N.D. Ill., 1973 and amended 1976).

SOURCE: Adopted at 8 Ill. Reg. 14598, effective August 1, 1984; amended at 9 Ill. Reg. 10728, effective August 1, 1985; amended at 11 Ill. Reg. 16134, effective November 1, 1987; amended at 12 Ill. Reg. 9664, effective July 1, 1988; amended at 14 Ill. Reg. 5114, effective April 1, 1990; amended at 14 Ill. Reg. 19875, effective December 1, 1990; emergency amendment at 16 Ill. Reg. _____, effective February 20, 1992, for a maximum of 150 days.

SUBPART B: MAIL AND TELEPHONE CALLS

Section 525.110 Definitions
EMERGENCY

- a) "Chief Administrative Officer" means the highest ranking official of a correctional facility.
- b) "Department" means the Department of Corrections.
- c) "Director" means the Director of the Department of Corrections.
- d) "Incoming P privileged mail" means mail to and from the following:

- 1) The Director;
- 2) Deputy Directors and Assistant Deputy Directors of the Department;
- 3) Members of the Office of Advocacy Services;
- 4) Members of the Administrative Review Board;
- 5) Members of the Prisoner Review Board;
- 6) The Governor of Illinois;
- 7) Federal, Illinois or local Illinois legislators;

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- 3) Judges or magistrates of any court or the Illinois Court of Claims; and
- 4) Any organization which provides direct legal representation to committed persons, but not including organizations which provide referrals to attorneys such as, bar associations.

(Source: Emergency amendment at 16 Ill. Reg. 3583, effective February 20, 1992, for a maximum of 150 days)

**Section 525.140 Incoming Mail
EMERGENCY**

- a) Incoming privileged mail must be clearly marked as "privileged" and be clearly marked with the name, title and address of the sender.
- b) Incoming privileged mail may be opened in the presence of the committed person to whom it is addressed to inspect for contraband, to verify the identity of the sender, and to determine that nothing other than legal or official matter is enclosed.
- c) Incoming privileged mail may contain communications only from the privileged correspondent whose name and address appear on the envelope. If non-privileged material or correspondence from a third party is found to be enclosed, such material shall be treated as non-privileged mail.
- d) All incoming non-privileged mail, including mail from clerks of courts, shall be opened and inspected for contraband.
- e) Cashier's checks, money orders and business checks subject to the restrictions imposed by 20 Ill. Adm. Code 205 shall be deposited in the committed person's trust fund account, with a record made of the sender's name, the amount received, and the date. For purposes of this Section a business check shall mean a check written on any agency or firm's account and any check written on an employer's personal account for wages due a person assigned to the Community Services Division. The committed person shall be notified of all monies received and deposited in his trust fund account. However, any checks or money orders which exceed the limitation on the amounts (20 Ill. Adm. Code 205) shall be returned to the sender and the committed person shall be notified.
- f) Personal checks and cash shall be returned to the sender and the sender shall be notified that funds cannot be received in that form.

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

- 8) Chief Executive Officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, the United States Customs Service, the Secret Service, the Illinois State Police, and Sheriff's Offices and Police Departments in the State of Illinois;

- 9) John Howard Association; and

- 10) Legal mail.

e) "Outgoing privileged mail" means mail to the following:

- 1) The Director;
- 2) Deputy Directors and Assistant Deputy Directors of the Department;
- 3) Members of the Office of Advocacy Services;
- 4) Members of the Administrative Review Board;
- 5) Members of the Prisoner Review Board;
- 6) The Governor of Illinois;
- 7) Federal, Illinois or local Illinois legislators;
- 8) Chief Executive Officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, the United States Customs Service, the Secret Service, the Illinois State Police, and Sheriff's Offices and Police Departments in the State of Illinois;
- 9) John Howard Association;
- 10) Clerks of courts; and
- 11) Legal mail.

e f) "Legal mail" means mail to and from the following:

- 1) Registered Attorneys;
- 2) The Illinois Attorney General;

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DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENTS

- g) Correctional officials may spot check and read incoming non-privileged mail. Incoming mail or portions thereof may be inspected, reproduced or withheld from delivery for any of the reasons listed in Section 525.130(h) of this Subpart or if determined to be obscene by the Publications Review Committee in accordance with Subpart C of this Part.
- h) When a committed person is prohibited from receiving a letter or portions thereof, the committed person and the sender shall be notified in writing of the decision.
- i) If a committed person has been transferred or released, first class mail shall be forwarded to him if his address is known. If no forwarding address is available, the mail shall be returned to the sender.
- j) If a committed person has been absent from the facility on a furlough or pursuant to writ, his mail shall be held at the facility for a period of one month, unless the committed person has made a written request to the Chief Administrative Officer to have his mail forwarded to another address. At the conclusion of the month, first class mail shall be forwarded to the committed person's address, if known, or returned to the sender, unless alternative arrangements have been made.
- k) Committed persons may receive books and periodicals in accordance with Subpart C of this Part, and may receive manual typewriters ordered directly from a supplier through the commissary. Committed persons in the Adult and Juvenile Divisions shall not be permitted to receive catalogs, except catalogs for books or periodicals. Other packages may be received only as approved by the Chief Administrative Officer. The contents of all packages other than packages sent from pre-approved vendors, including packages containing books and periodicals, must be clearly listed on the outside of the package. Packages which do not contain a description of the contents shall be returned to the sender. All packages shall be opened and searched prior to delivery.

(Source: Emergency amendment at 16 Ill. Reg. 3583, effective February 20, 1992, for a maximum of 150 days)

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3590
92

DEPARTMENT OF INSURANCE

NOTICE OF CORRECTIONS TO ADOPTED AMENDMENTS

- 1) Heading of the Part: Minimum Standards for Individual and Group Medicare Supplement Insurance
- 2) Code Citation: 50 Ill. Adm. Code 2008
- 3) Section Numbers:

2008 INDEX
2008 AUTHORITY
2008 SOURCE
2008.10
2008.30
2008.40
2008.50
2008.60
2008.70
2008.71
2008.72
2008.73
2008.75
2008.80
2008.90
2008.100
2008.101
2008.APPENDIX A
2008.APPENDIX B
2008.APPENDIX C
2008.APPENDIX D
2008.APPENDIX E
2008.APPENDIX F
2008.APPENDIX G
2008.APPENDIX H
2008.APPENDIX I
2008.APPENDIX J
2008.APPENDIX K
2008.APPENDIX L
2008.APPENDIX M
2008.APPENDIX N
2008.APPENDIX O
2008.APPENDIX P

- 4) Illinois Register Citation to the Notice of Adopted Rulemaking:

February 21, 1992; 16 Ill. Reg. 2766

NOTICE OF CORRECTIONS TO ADOPTED AMENDMENTS

5) The corrections listed below have been made to the file copy of the above named rules in order to bring them into agreement with the copy of the text as published in the Illinois Register:

- a) Index - Section 208.104 - The comma following the word "periods" has been deleted.
- b) Index - Section 208.APPENDIX O - The word "on" has been changed to "of".
- c) AUTHORITY Note: The parenthesis surrounding the small "a" have been deleted. In the Code citation the comma following "975" has been deleted. A comma has been added following "975a" and a comma has been added following the citation to "P.A. 87-0601". Finally, the effective date of P.A. 87-0601 has been changed to September 18, not September 19.
- d) SOURCE Note: The main source note has been revised to reflect the corrections made herein.
- e) Section 208.10 - The statutory language cited herein has been italicized as required, and the close quote following this language has been deleted. Finally, in the statutory citation a comma has been added following "975a" and the P.A. 87-0601 effective date has been changed to September 18, not September 19.
- f) Section 208.30(a)(1) - On line two, the comma following the word "delivery" has been deleted.
- g) Section 208.40 - Under the definition of "Applicant" following the colon, all the remaining language ahead of the "Section 363(2)(a)" citation has been italicized as required. We have also added commas following the word "policy" in each subparagraph.
- h) Section 208.40 - Under the definition of "Certificate", following the word "means" the remaining language ahead of the "Section 363(2)(b)" citation has been italicized as required.

NOTICE OF CORRECTIONS TO ADOPTED AMENDMENTS

- i) Section 208.40 - Under the definition of "Code", the comma following the number "613" in the statutory citation has been deleted.
- j) Section 208.50 - Under the definition of "Benefit Period" the word "as" has been deleted.
- k) Section 208.50 - Under the definition of "Medicare", on the last line, the comma and close quotation have been reversed.
- l) Section 208.60(b) - The word "pre-existing" has been made into one word.
- m) Section 208.70(a)(1) - The word "pre-existing" has been made into one word in two places.
- n) Section 208.70(a)(4)(A) and (B) - The first word in each subparagraph has been capitalized.
- o) Section 208.70(b)(7) - The last CFR citation has been corrected to read "(42 CFR 409.87(b) 1988, . . .)".
- p) Section 208.71(a)(1) - The word "pre-existing" has been made into one word.
- q) Section 208.71(a)(5)(C) - A colon has been added at the end of this subparagraph.
- r) Section 208.71(c)(10)(A)(i) - A comma has been added following the word "to".
- s) Section 208.71 Source Note - A comma has been changed to a semicolon following the number "208.75".
- t) Section 208.73(b)(6) - On the last line the word "or" has been changed to "on".
- u) Section 208.73(k)(3) - The word "decision-maker" has been made into one word.
- v) Section 208.75(a)(4) - On the first line the word "each" has been deleted.

DEPARTMENT OF INSURANCE

NOTICE OF CORRECTIONS TO ADOPTED AMENDMENTS

- w) Section 2008.80(a) - The citation to P.A. 87-0671 has been corrected to read "P.A. 87-0601". Also, the colon following the word "form" in the second sentence has been changed to a comma.
- x) Section 2008.80(b)(2) - On the first line a comma has been added following the word "If" and following the word "reported".
- y) Section 2008.80(c) - In the second sentence a comma has been added following the word "demonstrate" and following the word "assumptions".
- z) Section 2008.80(d) - The comma following the word "Medicare" has been moved to follow the word "benefits" immediately thereafter.
- aa) Section 2008.81(2) - The comma following the word "above" has been deleted.
- bb) Section 2008.90(a)(4) - The word "pre-existing" has been made into one word in two places.
- cc) Section 2008.90(b) - The period following the words "Policy Checklist" has been deleted.
- dd) Section 2008.90(c)(1) and (c)(1)(B) - The words "certificate holders" have been made into one word in two places.
- ee) Section 2008.90(d) - The period has been deleted.
- ff) Section 2008.90(d)(1) - On the third line, the comma following the word "and" has been moved ahead of the word "and".
- gg) Section 2008.90(d)(3) - In the indented paragraph, quotations have been added to surround this text.
- hh) Section 2008.90(e) - The period has been deleted.
- ii) Section 2008.90(e) - In the first full paragraph the parenthesis surrounding the "a" following "355" have been deleted.
- jj) Section 2008.90(f) - The period has been deleted.

DEPARTMENT OF INSURANCE

NOTICE OF CORRECTIONS TO ADOPTED AMENDMENTS

- kk) Section 2008.90(g)(1) - The word "state" has been capitalized.
- ll) Section 2008.90(g)(2) - In the final paragraph, in the last sentence, the apostrophe in "Buyer's" has been deleted.
- mm) Section 2008.100(c) - On the third line, the comma following the word "applicant" has been deleted.
- nn) Section 2008.100(d) - In the last sentence the Appendix referenced has been changed from "D" to "M".
- oo) Section 2008.100(e) - On the first line, the capital "D" has been made a lower case letter and is enclosed in parenthesis. Also, the reference to Appendix "C" has been changed to "M".
- pp) Section 2008.100(f) - The word "pre-existing" has been made into one word.
- qq) Section 2008.101(a)(3) - The word "and" has been deleted from line two ahead of the word "policy".
- rr) Section 2008.101(a)(5) - In the subsection reference, the small "a" has been enclosed in parenthesis.
- ss) Section 2008.APPENDIX A - On the first page in the second column under the heading of "BENEFIT", a close parenthesis has been added following the word "Reserve".
- tt) Section 2008.APPENDIX A - On the second page at the end of the page, blank lines have been added following the "DATE", "SIGNATURE OF APPLICANT", and the "SIGNATURE OF INSURANCE PRODUCER" entries.
- uu) Section 2008.APPENDIX B-M - In each Section heading the comma following the APPENDIX reference has been deleted.
- vv) Section 2008.APPENDIX B - On the last page, the second to the last paragraph, on the first line the word "In" has been changed to "on".

NOTICE OF CORRECTIONS TO ADOPTED AMENDMENTS

- ww) Section 2008.APPENDIX C - In the source note, a comma has been changed to a semicolon following "APPENDIX M".
- xx) Section 2008.APPENDIX E - In the source note, a comma has been changed to a semicolon following "APPENDIX O".
- yy) Section 2008.APPENDIX L - On the last page, in the header, the period following the abbreviation of "continued" has been deleted.
- zz) Section 2008.APPENDIX M - In the second paragraph, a comma has been added on the third line following the word "if".
- aaa) Section 2008.APPENDIX M - Under number two (2), the word "pre-existing" has been made into one word in two places.
- bbb) Section 2008.APPENDIX N-P - In each Section heading the period following the APPENDIX reference has been deleted.
- ccc) Section 2008.APPENDIX O - In the second column, on the first page, a close parenthesis has been added following the word "period".

1) Heading of the Part:

Structural Pest Control Code

2) Code Citation:

77 Ill. Adm. Code 830

3) Register Citation to Notice of Proposed Amendments:

16 Ill. Reg. 2092 (February 7, 1992)

4) Date, Time and Location of Public Hearing:

5) 11:00 a.m. - 1:00 p.m.

March 18, 1992

Illinois Department of Public Health

1st Floor Training Room

525 West Jefferson

Springfield, Illinois 62661

6) Other Pertinent Information:

The hearing will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing.

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the

SECRETARY OF STATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF ERROR IN PRINTING

This notice is to advise that, due to an error in printing setup, various pages of the Illinois Register, Volume 16, Issue 7, dated February 14, 1992, although printed in entirety, have been printed out of numerical sequence.

Specifically, pages 2283 through 2378 were printed in correct order, and the following pages are listed as they were printed in incorrect order:

Directly following page 2378,

Pages 2391 through 2394
Pages 2387 through 2390
Pages 2383 through 2386
Pages 2379 through 2382

Following page 2382, pages 2395 through 2534 were printed in correct order. The following pages are listed as they were printed in incorrect order:

Directly following page 2534,

Pages 2547 through 2550
Pages 2543 through 2546
Pages 2539 through 2542
Pages 2535 through 2538

Following page 2538, beginning with page 2551 and ending on page 2718, the remaining pages of Issue 7 of the Register were printed in correct order.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 19, 1992 through February 25, 1992, and have been scheduled for review by the Committee at its March 3, 1992 or April 7, 1992 meeting. Other items not contained in this published list may also be considered by the Committee at its March or April meeting. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Suite 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/6/92	Department of Conservation, Commercial Fishing and Musseling in Certain Waters of the State (17 Ill. Adm. Code 830)	12/27/91 15 Ill. Reg. 18327	3/3/92
4/6/92	Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)	11/22/91 15 Ill. Reg. 16874	3/3/92
4/6/92	Department of Insurance, Notice of Eligibility (50 Ill. Adm. Code 6701)	12/2/91 15 Ill. Reg. 17013	3/3/92
4/6/92	Department of Public Aid, Crisis Assistance (89 Ill. Adm. Code 116)	11/15/91 15 Ill. Reg. 16623	3/3/92
4/8/92	Department of Professional Regulation, Clinical Social Work and Social Work Practice Act (83 Ill. Adm. Code 1470)	12/27/91 15 Ill. Reg. 18348	4/7/92
4/8/92	Illinois Commerce Commission, Approval of Citizens Utility Board Enclosures and Statements, Repeal of (83 Ill. Adm. Code 110)	12/20/91 15 Ill. Reg. 18018	4/7/92
4/9/92	Department of Conservation, North Point Marina (17 Ill. Adm. Code 230)	12/20/91 15 Ill. Reg. 18050	4/7/92
4/9/92	Department of Rehabilitation Services, Medical, Psychological, and Related Services (89 Ill. Adm. Code 587)	12/20/91 15 Ill. Reg. 18110	4/7/92

PROCLAMATION

92-064

BLOCK-KIDS MONTH

Whereas, the Construction Industry Workforce Foundation has indicated the demand for construction workers will increase in the future but says today's youth have little interest in the construction industry; and

Whereas, the National Association of Women in Construction (NAWIC) is sponsoring the BLOCK-KIDS contest, a building competition that aims to spark elementary school students' interest in the construction industry; and

Whereas, the contest challenges students from grades 1 through 6 to create, in one hour, a construction-industry-related-project with building blocks and other materials provided; and

Whereas, BLOCK-KIDS contests will be held throughout our state during February;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 11, 1992, as BLOCK-KIDS MONTH in Illinois.

Issued by the Governor February 11, 1992.

Filed with the Secretary of State February 20, 1992.

92-065

COLLEGE OF DUPAGE CONGRATULATED

Whereas, during the past 25 years, College of DuPage in Glen Ellyn has opened the doors of higher education to more than 500,000 students of all ages, creeds, races, and academic backgrounds. The college offers 85 areas of study that serve to educate and enlighten the 855,000 residents of Community College District 502; and

Whereas, College of DuPage has experienced a remarkable 25-year period of growth, starting with a student enrollment of 2,621 students in 1967 and culminating with a record 36,322 students in 1991-92, a figure that ranks the school as the largest institution of higher learning in our state; and

Whereas, College of DuPage offers "A World of Learning" that spans the age spectrum. Courses range from the youthful discovery of the Kids on Campus program through the lifelong learning opportunities of the Older Adult Institute. The college provides a diverse curriculum designed for those seeking degrees, certificates, enhanced employment skills, or the personal enrichment that comes from higher education; and

Whereas, College of DuPage continues to play an integral economic role in its district through its Business and Professional Institute. Last year the institute served nearly 20,000 individuals and 900 businesses through continuing education classes, seminars, and workshops; and

Whereas, the college has also been at the forefront in

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promoting literacy through its Adult Basic Education and English as a Second Language programs, which serve more than 5,000 students annually;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate COLLEGE OF DUPAGE for the tremendous growth and success it has achieved over the past 25 years and for its commitment to become the consummate community learning center.

Issued by the Governor February 11, 1992.

Filed with the Secretary of State February 20, 1992.

92-066

GUSSIE MABLE HENSON DAY

Whereas, Gussie Mable Henson was born in Jefferson County February 13, 1902. She was one of six children born to George and Effie Henson; and

Whereas, she was married to William Frank Simpson February 15, 1921, in Springfield, by Reverend B. F. Martin; and

Whereas, Gussie raised three children--Floyd Melborn, Dorothy Marie, and Norma Jean. She is the grandmother of eight grandchildren and 14 great-grandchildren; and

Whereas, Gussie is active in the Sangamon County Home Bureau and is a charter member of the Cherry Hills Baptist Church; and

Whereas, February 13 will mark Gussie's 90th birthday;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 13, 1992, as GUSSIE MABLE HENSON DAY in Illinois and I extend best wishes of health and happiness to Gussie.

Issued by the Governor February 13, 1992.

Filed with the Secretary of State February 20, 1992.

92-067

TIBETAN NATIONAL DAY

Whereas, Illinois has been chosen as a primary site for the U.S. Tibetan Resettlement Project. The project will help Tibetans resettle to Illinois and preserve Tibet's historical and cultural heritage; and

Whereas, on March 10, 1992, Tibetans throughout the world will gather in their host countries to commemorate the 33rd anniversary of the struggle for freedom and independence of their country; and

Whereas, in 1989, his Holiness the fourteenth Dalai Lama, leader of the Tibetan people, was awarded the Nobel Peace Prize for his continued efforts toward a peaceful resolution to the occupation of Tibet; and

Whereas, the resolve of the Tibetan people to preserve their culture and human rights is an inspiration to all who cherish liberty;

Therefore, I, Jim Edgar, Governor of the State of Illinois,

do hereby proclaim March 10, 1992, as TIBETAN NATIONAL DAY in Illinois.

Issued by the Governor February 13, 1992.

Filed with the Secretary of State February 20, 1992.

92-067

TIBETAN NATIONAL DAY

Whereas, Illinois has been chosen as a primary site for the U.S. Tibetan Resettlement Project. The project will help Tibetans resettle to Illinois and preserve Tibet's historical and cultural heritage; and

Whereas, on March 10, 1992, Tibetans throughout the world will gather in their host countries to commemorate the 33rd anniversary of the struggle for freedom and independence of their country; and

Whereas, in 1989, His Holiness the fourteenth Dalai Lama, leader of the Tibetan people, was awarded the Nobel Peace Prize for his continued efforts toward a peaceful resolution to the occupation of Tibet; and

Whereas, the resolve of the Tibetan people to preserve their culture and human rights is an inspiration to all who cherish liberty;

Therefore, I, Jim Edgar, Governor of the State of Illinois, do hereby proclaim March 10, 1992, as TIBETAN NATIONAL DAY in Illinois.

Issued by the Governor February 13, 1992.

Filed with the Secretary of State February 20, 1992.

92-068

GATEWAY FOUNDATION DAY

Whereas, the Gateway Foundation was initiated in 1968 as a private, non-profit organization to provide treatment and prevention for alcohol and drug abuse. It is licensed by the Illinois Department of Alcoholism and Substance Abuse; and

Whereas, Gateway developed the first self-help, community-based drug-free treatment program in our state. The foundation has earned national recognition for its innovative and successful programs; and

Whereas, over the past year, Gateway treated more than 6,000 adults and adolescents at residential and outpatient centers, and its prevention staff reached more than 18,000 community members; and

Whereas, on February 28, 1992, Gateway Foundation will be celebrating its 25th year of service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 28, 1992, as GATEWAY FOUNDATION DAY in Illinois, in honor of the organization's 25th anniversary.

Issued by the Governor February 14, 1992.

Filed with the Secretary of State February 20, 1992.

92-069

KIDNEY MONTH

Whereas, thousands of Illinois residents suffer from kidney and genitourinary-related diseases; and

Whereas, these diseases can cause chronic illness, work loss, and financial problems; and

Whereas, since its organization in 1949, the National Kidney Foundation of Illinois (NKFI) has dedicated itself to the prevention, treatment, and cure of kidney disease; and

Whereas, the foundation works toward the eradication of this major health problem through programs of research, public and professional education, patient and community service, and organ donation; and

Whereas, hypertension is a leading cause of kidney disease. To kick-off National Kidney Month in March, the NKFI will be holding a blood pressure screening in Chicago to emphasize the dangers of hypertension and the importance of routine blood pressure testing;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1992 as KIDNEY MONTH in Illinois.

Issued by the Governor February 14, 1992.

Filed with the Secretary of State February 20, 1992.

92-070

REHABILITATION FACILITIES WEEK

Whereas, a disability, whether physical or mental, does not mean the end of a person's productive life; and

Whereas, rehabilitation facilities and human service organizations are available to help Illinois citizens adapt to new methods of achieving productive and fulfilling lives; and

Whereas, the many support services within rehabilitation facilities and human service organizations provide the assistance necessary to help people with disabilities achieve self-sufficiency; and

Whereas, dedicated, professional individuals provide the foundation necessary for citizens to achieve their goals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 20-26, 1992, as REHABILITATION FACILITIES WEEK in Illinois and commend the dedication these organizations, their staff, and volunteers have shown in assisting our citizens.

Issued by the Governor February 14, 1992.

Filed with the Secretary of State February 20, 1992.

92-071

AGRICULTURE WEEK

Whereas, the United States is the world's largest producer and exporter of food and agricultural technology, which is a vital ingredient in our strength as a nation, both at home and abroad; and

Whereas, Illinois is a national and international leader in marketing agricultural products; and

Whereas, in order to maintain our healthy agricultural environment, Americans need to be aware of the effect of agriculture on their lives and well-being; and

Whereas, current issues such as food safety and protection of our environment have further emphasized the importance of a cooperative relationship between consumers and agriculture production; and

Whereas, Americans should recognize their personal stake in an abundant food and fiber supply;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 15-21, 1992, as AGRICULTURE WEEK in Illinois. I urge citizens to observe this week with appropriate ceremonies and activities, with special emphasis on March 20, which is National Agriculture Day.

Issued by the Governor February 20, 1992.

Filed with the Secretary of State February 20, 1992.

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EDUCATION, STATE BOARD OF (CONT'D)

23 Ill. Adm. Code 120 Pupil Transportation Reimbursement (P-1452)

EMPLOYMENT SECURITY, DEPARTMENT OF

56 Ill. Adm. Code 2725 Administrative Hearings & Appeals (P-13252/91; A-113) (P-14014/91; A-2122)
 56 Ill. Adm. Code 2720 Claims, Adjudication, Appeals & Hearings (P-14343/91; A-2556)
 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-13257/91; A-118)
 56 Ill. Adm. Code 2732 Employment (P-785) (P-3248)
 56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-14032/91; A-2131)

ENVIRONMENTAL PROTECTION AGENCY

68 Ill. Adm. Code 870 Landfill Operators Certification (P-12094/91; A-3096)

FINANCIAL INSTITUTIONS, DEPARTMENT OF

4 Ill. Adm. Code 650 Americans With Disabilities Act Grievance Procedure (P-3253)

FIRE MARSHAL, OFFICE OF THE STATE

41 Ill. Adm. Code 215 Americans With Disabilities Act Grievance Procedure (P-1954)

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

47 Ill. Adm. Code 310 Multifamily Rental Housing Mortgage Loan Program (P-1961)

HUMAN RIGHTS, DEPARTMENT OF

71 Ill. Adm. Code 2300 Housing Discrimination (P-2310)

INSURANCE, DEPARTMENT OF

50 Ill. Adm. Code 2008 Minimum Standards for Individual & Group Medicare Supplement Insurance (P-14859/91; PF-1743; A-2766; W-2956; C-3590)
 50 Ill. Adm. Code 3119 Pre-Licensing & Continuing Education (P-11055/91; A-126)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

1 Ill. Adm. Code 245 Expedited Corrections (P-2314)

LABOR, DEPARTMENT OF

56 Ill. Adm. Code 120 Americans with Disabilities Act Grievance Procedure (P-1997)
 56 Ill. Adm. Code 1700 Balloon Dart Game Permit Act, The (P-1469)
 56 Ill. Adm. Code 350 Health & Safety (P-1) (P-3260)

LOCAL GOVERNMENTAL LAW ENFORCEMENT OFFICERS TRAINING BOARD

20 Ill. Adm. Code 1720 Ill. Police Training Act (E-727)

LOTTERY, DEPARTMENT OF

11 Ill. Adm. Code 1705 Americans With Disabilities Act Grievance Procedure (P-1779)

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF

59 Ill. Adm. Code 101 Administration (P-14363/91; A-2137)
 59 Ill. Adm. Code 103 Grants (E-2643)
 59 Ill. Adm. Code 135 Individual Care Grants for Mentally Ill Children (E-2648)
 59 Ill. Adm. Code 132 Medicaid Community Mental Health Services Program (P-7) (E-211)
 59 Ill. Adm. Code 120 Medicaid Home & Community-Based Services for Developmentally Disabled Recipients (E-2652)
 59 Ill. Adm. Code 130 Mental Health Clinic Program Standards & Provider Requirements (E-2656)
 59 Ill. Adm. Code 119 Minimum Standards for Certification of Developmental Training Programs (E-2662)
 59 Ill. Adm. Code 125 Recipient Discharge/Linkage/Aftercare (E-2672)
 59 Ill. Adm. Code 115 Standards & Licensure Requirements for Community-Integrated Living Arrangements (E-2676)

MINES AND MINERALS, DEPARTMENT OF

2 Ill. Adm. Code 1052 Americans With Disabilities Act Grievance Procedures (P-2322)
 62 Ill. Adm. Code 200 Ill. Explosives Act, The (P-3267)
 62 Ill. Adm. Code 240 Ill. Oil & Gas Act, The (P-14365/91; A-2576) (P-14679/91; A-2576) (P-3282)
 62 Ill. Adm. Code 220 Surface Installation Health & Safety (P-3316)

MOTOR VEHICLE THEFT PREVENTION COUNCIL

20 Ill. Adm. Code 1810 Rules for the Award & Monitoring of Trust Funds (P-469) (E-732)
 20 Ill. Adm. Code 1800 Trust Fund Collection Rules (P-10)

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The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year, the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/89; A-724) The codes for both columns are listed below. For a complete listing of the Title of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

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am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= reclassified	F	= Failure to Remedy Objections
#	= renumbered	M	= Modification
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970.10	r	(P-2727)	970.10	r	(P-2727)	970.10	r	(P-2727)	970.10	r	(P-2727)
970.20	r	(P-2727)	970.20	r	(P-2727)	970.20	r	(P-2727)	970.20	r	(P-2727)
970.30	r	(P-2727)	970.30	r	(P-2727)	970.30	r	(P-2727)	970.30	r	(P-2727)
970.40	r	(P-2727)	970.40	r	(P-2727)	970.40	r	(P-2727)	970.40	r	(P-2727)
970.50	r	(P-2727)	970.50	r	(P-2727)	970.50	r	(P-2727)	970.50	r	(P-2727)
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1530.60	ann	(P-2972)	1530.60	ann	(P-2972)	1530.60	ann	(P-2972)	1530.60	ann	(P-2972)
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1535.50	ann	(P-2979)	1535.50	ann	(P-2979)	1535.50	ann	(P-2979)	1535.50	ann	(P-2979)
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1538.50	n	(P-775)	1538.50	n	(P-775)	1538.50	n	(P-775)	1538.50	n	(P-775)
1538.60	n	(P-775)	1538.60	n	(P-775)	1538.60	n	(P-775)	1538.60	n	(P-775)
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3010.50	ann	(P-14794/91; A-1806)	3010.50	ann	(P-14794/91; A-1806)	3010.50	ann	(P-14794/91; A-1806)	3010.50	ann	(P-14794/91; A-1806)
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3020.50	ann	(P-14820/91; A-1833)	3020.50	ann	(P-14820/91; A-1833)	3020.50	ann	(P-14820/91; A-1833)	3020.50	ann	(P-14820/91; A-1833)
3020.70	ann	(P-14820/91; A-1833)	3020.70	ann	(P-14820/91; A-1833)	3020.70	ann	(P-14820/91; A-1833)	3020.70	ann	(P-14820/91; A-1833)
3020.80	ann	(P-14820/91; A-1833)	3020.80	ann	(P-14820/91; A-1833)	3020.80	ann	(P-14820/91; A-1833)	3020.80	ann	(P-14820/91; A-1833)
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3030.50	ann	(P-14807/91; A-1816)	3030.50	ann	(P-14807/91; A-1816)	3030.50	ann	(P-14807/91; A-1816)	3030.50	ann	(P-14807/91; A-1816)
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3035.70	ann	(P-14783/91; A-1797)	3035.70	ann	(P-14783/91; A-1797)	3035.70	ann	(P-14783/91; A-1797)	3035.70	ann	(P-14783/91; A-1797)
3035.80	ann	(P-14783/91; A-1797)	3035.80	ann	(P-14783/91; A-1797)	3035.80	ann	(P-14783/91; A-1797)	3035.80	ann	(P-14783/91; A-1797)

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TITLE 35 (CONT'D)		TITLE 35 (CONT'D)	
616.307	n	616.701	n
616.401	n	616.702	n
616.402	n	616.703	n
616.421	n	616.704	n
616.422	n	616.705	n
616.423	n	616.721	n
616.424	n	616.722	n
616.425	n	616.723	n
616.441	n	616.724	n
616.442	n	616.725	n
616.443	n	617.101	n
616.444	n	617.102	n
616.445	n	703.150	am
616.446	n	703.155	am
616.447	n	703.157	am
616.461	n	703.208	am
616.462	n	703.211	am
616.463	n	703.232	am
616.464	n	703.280	am
616.501	n	703.283	am
616.502	n	703.284	am
616.601	n	703.285	am
616.602	n	703.286	am
616.603	n	703.287	am
616.604	n	703.288	am
616.605	n	703.289	am
616.621	n	703.290	am
616.622	n	703.291	am
616.623	n	703.292	am
616.624	n	703.293	am
616.625	n	703.294	am
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ILLINOIS REGISTER
SECTIONS AFFECTED INDEX

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310.103 (P-1961)
310.106 (P-1961)
310.107 (P-1961)
310.109 (P-1961)
310.110 (P-1961)
310.111 (P-1961)
310.113 (P-1961)
310.114 (P-1961)
310.201 (P-1961)
310.202 (P-1961)
310.203 (P-1961)
310.204 (P-1961)
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310.301 (P-1961)
310.302 (P-1961)
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310.401 (P-1961)
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310.403 (P-1961)
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310.405 (P-1961)
310.602 (P-1961)
310.603 (P-1961)
310.604 (P-1961)
310.701 (P-1961)
310.702 (P-1961)

TITLE 50

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310.801 (P-1961)
310.802 (P-1961)
310.803 (P-1961)
310.804 (P-1961)
310.805 (P-1961)
310.806 (P-1961)
310.901 (P-1961)
310.902 (P-1961)
310.913 (P-1961)
2008.10 (P-14859/91; PF-1743;
W-2956; A-2766; C-3590)
2008.20 (P-14859/91; PF-1743;
W-2956; A-2766)
2008.30 (P-14859/91; PF-1743;
W-2956; A-2766; C-3590)
2008.40 (P-14859/91; PF-1743;
W-2956; A-2766; C-3590)
2008.50 (P-14859/91; PF-1743;
W-2956; A-2766; C-3590)
2008.60 (P-14859/91; PF-1743;
W-2956; A-2766; C-3590)
2008.61 (P-14859/91; PF-1743;
W-2956; A-2766)
2008.70 (P-14859/91; PF-1743;
W-2956; A-2766)
2008.71 (P-14859/91; PF-1743;
W-2956; A-2766; C-3590)
2008.72 (P-14859/91; PF-1743;
W-2956; A-2766; C-3590)
2008.73 (P-14859/91; PF-1743;
W-2956; A-2766; C-3590)
2008.74 (P-14859/91; PF-1743;
W-2956; A-2766; C-3590)
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W-2956; A-2766)
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132.320	(P-7) (E-211)			n	1340.70	(P-11369/91; A-3175)	n	(P-9083/91; A-2457)
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132.785	(P-7) (E-211)			n			n	(P-9153/91; A-2530)
132.790	(P-7) (E-211)			n			n	(P-9083/91; A-2457)
132.795	(P-7) (E-211)			n			n	(P-9153/91; A-2530)
132.800	(P-7) (E-211)			n			n	(P-9083/91; A-2457)
132.805	(P-7) (E-211)			n			n	(P-9153/91; A-2530)
132.810	(P-7) (E-211)			n			n	(P-9083/9

rent Law

TITLE 27 (CONT'D)

2030.320	(P-9083/91; A-2457)	r	2030.970	(P-9153/91; A-2530)	r
2030.320	(P-9153/91; A-2530)	r	2030.980	(P-9153/91; A-2530)	r
2030.320	(P-9083/91; A-2457)	n	2030.990	(P-9083/91; A-2457)	n
2030.310	(P-9083/91; A-2457)	n	2030.1010	(P-9153/91; A-2530)	n
2030.310	(P-9153/91; A-2530)	n	2030.1010	(P-9083/91; A-2457)	n
2030.310	(P-9083/91; A-2457)	n	2030.1020	(P-9153/91; A-2530)	n
2030.320	(P-9083/91; A-2457)	n	2030.1020	(P-9083/91; A-2457)	n
2030.320	(P-9153/91; A-2530)	n	2030.1030	(P-9153/91; A-2530)	n
2030.320	(P-9083/91; A-2457)	n	2030.1030	(P-9083/91; A-2457)	n
2030.330	(P-9153/91; A-2530)	r	2030.1040	(P-9153/91; A-2530)	r
2030.330	(P-9083/91; A-2457)	r	2030.1040	(P-9083/91; A-2457)	r
2030.340	(P-9153/91; A-2530)	r	2030.1050	(P-9153/91; A-2530)	r
2030.340	(P-9083/91; A-2457)	r	2030.1050	(P-9083/91; A-2457)	r
2030.350	(P-9153/91; A-2530)	n	2030.1060	(P-9153/91; A-2530)	n
2030.350	(P-9083/91; A-2457)	n	2030.1060	(P-9083/91; A-2457)	n
2030.360	(P-9153/91; A-2530)	n	2030.1070	(P-9153/91; A-2530)	n
2030.360	(P-9083/91; A-2457)	n	2030.1070	(P-9083/91; A-2457)	n
2030.410	(P-9153/91; A-2530)	r	2030.1080	(P-9153/91; A-2530)	r
2030.410	(P-9083/91; A-2457)	r	2030.1080	(P-9083/91; A-2457)	r
2030.420	(P-9153/91; A-2530)	n	2030.1090	(P-9153/91; A-2530)	n
2030.420	(P-9083/91; A-2457)	n	2030.1090	(P-9083/91; A-2457)	n
2030.430	(P-9153/91; A-2530)	n	2030.1110	(P-9153/91; A-2530)	n
2030.430	(P-9083/91; A-2457)	n	2030.1110	(P-9083/91; A-2457)	n
2030.440	(P-9153/91; A-2530)	n	2030.1120	(P-9153/91; A-2530)	n
2030.440	(P-9083/91; A-2457)	n	2030.1120	(P-9083/91; A-2457)	n
2030.450	(P-9153/91; A-2530)	n	2030.1130	(P-9153/91; A-2530)	n
2030.450	(P-9083/91; A-2457)	n	2030.1130	(P-9083/91; A-2457)	n
2030.510	(P-9153/91; A-2530)	n	2030.1140	(P-9153/91; A-2530)	n
2030.510	(P-9083/91; A-2457)	n	2030.1140	(P-9083/91; A-2457)	n
2030.520	(P-9153/91; A-2530)	n	2030.1150	(P-9153/91; A-2530)	n
2030.520	(P-9083/91; A-2457)	n	2030.1150	(P-9083/91; A-2457)	n
2030.530	(P-9153/91; A-2530)	n	2030.1160	(P-9153/91; A-2530)	n
2030.530	(P-9083/91; A-2457)	n	2030.1160	(P-9083/91; A-2457)	n
2030.540	(P-9153/91; A-2530)	n	2030.1205	(P-9153/91; A-2530)	n
2030.540	(P-9083/91; A-2457)	n	2030.1205	(P-9083/91; A-2457)	n
2030.610	(P-9153/91; A-2530)	n	2030.1210	(P-9153/91; A-2530)	n
2030.610	(P-9083/91; A-2457)	n	2030.1210	(P-9083/91; A-2457)	n
2030.620	(P-9153/91; A-2530)	r	2030.1215	(P-9153/91; A-2530)	r
2030.620	(P-9083/91; A-2457)	r	2030.1215	(P-9083/91; A-2457)	r
2030.630	(P-9153/91; A-2530)	r	2030.1220	(P-9153/91; A-2530)	r
2030.630	(P-9083/91; A-2457)	r	2030.1220	(P-9083/91; A-2457)	r
2030.640	(P-9153/91; A-2530)	r	2030.1225	(P-9153/91; A-2530)	r
2030.640	(P-9083/91; A-2457)	r	2030.1225	(P-9083/91; A-2457)	r
2030.710	(P-9153/91; A-2530)	n	2030.1250	(P-9153/91; A-2530)	n
2030.710	(P-9083/91; A-2457)	n	2030.1250	(P-9083/91; A-2457)	n
2030.720	(P-9153/91; A-2530)	n	2030.1255	(P-9153/91; A-2530)	n
2030.720	(P-9083/91; A-2457)	n	2030.1255	(P-9083/91; A-2457)	n
2030.730	(P-9153/91; A-2530)	n	2030.1260	(P-9153/91; A-2530)	n
2030.730	(P-9083/91; A-2457)	n	2030.1260	(P-9083/91; A-2457)	n
2030.740	(P-9153/91; A-2530)	n	2030.1270	(P-9153/91; A-2530)	n
2030.740	(P-9083/91; A-2457)	n	2030.1270	(P-9083/91; A-2457)	n
2030.750	(P-9153/91; A-2530)	n	2030.1310	(P-9153/91; A-2530)	n
2030.750	(P-9083/91; A-2457)	n	2030.1310	(P-9083/91; A-2457)	n
2030.760	(P-9153/91; A-2530)	n	2030.1320	(P-9153/91; A-2530)	n
2030.760	(P-9083/91; A-2457)	n	2030.1320	(P-9083/91; A-2457)	n
2030.810	(P-9153/91; A-2530)	r	2030.1330	(P-9153/91; A-2530)	r
2030.810	(P-9083/91; A-2457)	r	2030.1330	(P-9083/91; A-2457)	r
2030.820	(P-9153/91; A-2530)	r	2030.1340	(P-9153/91; A-2530)	r
2030.820	(P-9083/91; A-2457)	r	2030.1340	(P-9083/91; A-2457)	r
2030.830	(P-9153/91; A-2530)	n	2030.1350	(P-9153/91; A-2530)	n
2030.830	(P-9083/91; A-2457)	n	2030.1350	(P-9083/91; A-2457)	n
2030.840	(P-9153/91; A-2530)	n	2031.10	(P-9153/91; A-2530)	n
2030.840	(P-9083/91; A-2457)	n	2031.10	(P-9083/91; A-2457)	n
2030.910	(P-9153/91; A-2530)	n	2032.10	(P-9153/91; A-2530)	n
2030.910	(P-9083/91; A-2457)	n	2032.10	(P-9083/91; A-2457)	n
2030.920	(P-9153/91; A-2530)	r	2032.15	(P-9153/91; A-2530)	r
2030.920	(P-9083/91; A-2457)	r	2032.15	(P-9083/91; A-2457)	r
2030.930	(P-9153/91; A-2530)	r	2032.20	(P-9153/91; A-2530)	r
2030.930	(P-9083/91; A-2457)	r	2032.20	(P-9083/91; A-2457)	r
2030.940	(P-9153/91; A-2530)	r	2032.25	(P-9153/91; A-2530)	r
2030.940	(P-9083/91; A-2457)	r	2032.25	(P-9083/91; A-2457)	r
2030.950	(P-9153/91; A-2530)	r	2032.30	(P-9153/91; A-2530)	r
2030.950	(P-9083/91; A-2457)	r	2032.30	(P-9083/91; A-2457)	r
2030.960	(P-9153/91; A-2530)	r	2032.35	(P-9153/91; A-2530)	r
2030.960	(P-9083/91; A-2457)	r	2032.35	(P-9083/91; A-2457)	r
			2032.40	(P-9153/91; A-2530)	r
			2032.40	(P-9083/91; A-2457)	r
			2032.45	(P-9153/91; A-2530)	r
			2032.45	(P-9083/91; A-2457)	r
			2032.50	(P-9153/91; A-2530)	r
			2032.50	(P-9083/91; A-2457)	r
			2032.55	(P-9153/91; A-2530)	r
			2032.55	(P-9083/91; A-2457)	r
			2032.60	(P-9153/91; A-2530)	r
			2032.60	(P-9083/91; A-2457)	r

TITLE 80

302.80	(P-336)	am	112.70	(P-3335)	am
303.102	(P-327)	am	112.71	(P-3335)	am
303.115	(P-327)	n	112.72	(P-3335)	am
303.125	(P-327)	n	112.74	(P-3335)	am
303.175	(P-327)	n	112.78	(P-3335)	am
303.290	(P-327)	am	112.79	(P-3335)	am
303.385	(P-327)	am	112.82	(P-3335)	am
304.51	(P-334)	n	113.40	(P-14994/91; A-3468)	am
310.100	(P-342) (E-711)	am	113.50	(P-14994/91; A-3468)	am
310.110	(P-12051/91; A-3450)	am	113.302	(P-14994/91; A-3468)	r
310.130	(P-12051/91; A-3450)	am	113.400	(P-14994/91; A-3468)	r
310.230	(P-342)	am	113.405	(P-14994/91; A-3468)	n
310.280	(P-12051/91; A-3450)	am	113.410	(P-14994/91; A-3468)	n
310.290	(P-12051/91; A-3450)	am	113.415	(P-14994/91; A-3468)	n
310.490	(P-342) (E-711)	am	113.420	(P-14994/91; A-3468)	n
310.Ap. A		am	113.425	(P-14994/91; A-3468)	n
310.Tb. C	(P-342)	am	113.430	(P-14994/91; A-3468)	n
310.Tb. D	(P-342)	am	113.435	(P-14994/91; A-3468)	n
310.Tb. E	(P-342)	am	113.440	(P-14994/91; A-3468)	am
310.Tb. F	(P-342)	am	113.440	(P-14994/91; A-3468)	am
310.Tb. G	(P-342)	am	113.445	(P-14994/91; A-3468)	am
310.Tb. H	(P-342)	am	114.1	(P-15008/91; A-3512)	am
310.Tb. I	(P-342)	am	114.2	(P-15008/91; A-3512)	n
310.Tb. J	(P-342)	am	114.60	(P-15008/91; A-3512)	am
310.Tb. K	(P-342)	am	114.61	(P-15008/91; A-3512)	am
310.Tb. L	(P-342)	am	114.62	(P-15008/91; A-3512)	am
310.Tb. M	(P-342)	am	114.63	(P-15008/91; A-3512)	am
310.Tb. N	(P-342)	am	114.64	(P-15008/91; A-3512)	am
310.Tb. O	(P-342)	am	114.70	(P-15008/91; A-3512)	am
310.Tb. P	(P-342)	am	114.80	(P-15008/91; A-3512)	am
310.Tb. Q	(P-342)	am	114.120	(P-15008/91; A-3512)	am
310.Tb. R	(P-342)	am	114.121	(P-15008/91; A-3512)	am
310.Tb. S	(P-342)	am	114.122	(P-15008/91; A-3512)	am
310.Tb. T	(P-342)	am	114.123	(P-15008/91; A-3512)	am
310.Tb. U	(P-342)	am	114.124	(P-15008/91; A-3512)	am
310.Tb. V	(P-342)	am	114.400	(P-15008/91; A-3512)	am
310.Tb. W	(P-342)	am	114.420	(P-15008/91; A-3512)	am
310.Tb. X	(P-342)	am	120.50	(P-12137/91; A-139)	r
310.Tb. Y	(P-342)	am	120.200	(P-12137/91; A-139)	n
310.Tb. Z	(P-342)	am	120.208	(P-12137/91; A-139)	r
310.Ap. B	(P-12051/91; A-3450)	am	120.210	(P-12137/91; A-139)	r
2650.10	(P-3235)	am	120.211	(P-12137/91; A-139)	r
2650.25	(P-3235)	am	120.212	(P-12137/91; A-139)	r
			120.215	(P-12137/91; A-139)	r
			120.216	(P-12137/91; A-139)	r
			120.217	(P-12137/91; A-139)	r
			120.218	(P-12137/91; A-139)	r
			120.224	(P-12137/91; A-139)	r
			120.225	(P-12137/91; A-139)	r
			120.230	(P-12137/91; A-139)	r
			120.235	(P-12137/91; A-139)	r
			120.236	(P-12137/91; A-139)	r
			120.240	(P-12137/91; A-139)	r
			120.245	(P-12137/91; A-139)	r
			120.255	(P-12137/91; A-139)	r
			120.260	(P-12137/91; A-139)	r
			120.261	(P-12137/91; A-139)	r
			120.262	(P-12137/91; A-139)	r
			120.270	(P-12137/91; A-139)	r
			120.271	(P-12137/91; A-139)	r
			120.272	(P-12137/91; A-139)	r
			120.273	(P-12137/91; A-139)	r
				(P-3405)	r

TITLE 86

110.190	(P-14196/91; A-2624)	n			
130.310	(P-15013/91; A-1642)	am			
480.101	(P-15422/91; A-3578)	am			

TITLE 89

104.206	(P-2752)	am			
104.208	(P-2752)	am			
104.210	(P-2752)	am			
104.272	(P-2752)	am			
104.273	(P-2752)	am			
104.274	(P-2752)	am			
110.30	(P-3405)	am			

TITLE 89 (CONT'D)		TITLE 92 (CONT'D)	
120.275	r	530.30	n
120.276	r	530.30	r
120.280	r	530.30	n
120.281	r	530.40	n
120.282	r	530.50	n
120.283	r	530.60	n
120.284	r	530.100	n
120.285	r	530.101	r
120.285	r	530.102	r
120.290	r	530.103	r
120.295	r	530.104	r
120.319	am	530.105	r
120.320	am	530.106	r
120.321	am	530.107	r
120.322	am	530.108	r
120.323	am	530.109	r
121.58	am	530.110	n
121.63	am	530.110	r
121.72	am	530.111	r
121.73	am	530.112	r
140.2	am	530.113	r
140.5	am	530.114	r
140.11	am	530.115	r
140.27	am	530.116	r
140.469	am	530.117	r
140.526	r	530.118	r
140.527	r	530.119	r
140.528	r	530.120	n
140.529	r	530.120	n
140.539	am	530.121	r
140.543	am	530.122	r
140.561	am	530.123	r
140.565	n	530.130	r
140.579	am	530.140	n
140.600	n	530.150	n
140.602	n	530.200	n
140.604	n	530.201	r
140.606	n	530.202	r
140.608	n	530.203	r
140.610	n	530.210	n
140.612	n	530.220	n
140.614	n	530.225	n
140.646	am	530.230	n
144.300	n	530.240	n
144.325	n	530.250	n
148.140	am	530.260	n
150.10	am	530.270	n
150.20	n	530.275	n
150.30	n	530.280	n
150.40	n	530.290	n
150.50	n	530.300	n
150.60	n	530.301	r
160.5	am	530.302	r
160.10	am	530.303	r
160.20	am	530.310	n
160.30	am	530.320	n
240.400	am	530.330	n
240.415	am	530.400	n
240.430	am	530.401	n
240.435	am	530.402	r
		530.403	r
		530.410	n
		530.420	n
		530.430	n
		530.440	n
		530.450	n
		530.460	n
		530.470	n
		530.480	n
		530.500	n
		530.501	r
		530.502	r
		530.503	r
		530.510	n
		530.520	r
		530.530	n
		530.600	n
		530.601	r
		530.602	r
		530.603	r
		530.610	n
		530.700	n
		530.701	r
		530.702	r
		530.710	n
		530.800	n
		530.801	r
		530.802	r
		530.803	r
		530.804	r
		530.810	n
		530.820	n
		530.830	n
		530.840	n
		530.900	n
		530.901	r
		530.902	r
		530.907	r
		530.908	r
		530.909	r
		530.910	r
		530.904	r
		530.905	r
		530.906	r
		530.907	r
		530.908	r
		530.909	r
		530.910	r
		530.911	r
		530.912	r
		530.913	r
		530.914	r
		530.915	r
		530.916	r
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		530.920	r
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		530.929	r
		530.930	r
		530.931	r
		530.932	r
		530.933	r
		530.934	r
		530.935	r
		530.936	r
		530.937	r
		530.938	r
		530.939	r
		530.940	r
		530.941	r
		530.942	r
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		530.962	r
		530.963	r
		530.964	r
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		530.966	r
		530.967	r
		530.968	r
		530.969	r
		530.970	r
		530.971	r
		530.972	r
		530.973	r
		530.974	r
		530.975	r
		530.976	r
		530.977	r
		530.978	r
		530.979	r
		530.980	r
		530.981	r
		530.982	r
		530.983	r
		530.984	r
		530.985	r
		530.986	r
		530.987	r
		530.988	r
		530.989	r
		530.990	r
		530.991	r
		530.992	r
		530.993	r
		530.994	r
		530.995	r
		530.996	r
		530.997	r
		530.998	r
		530.999	r
		531.000	r
		531.001	r
		531.002	r
		531.003	r
		531.004	r
		531.005	r
		531.006	r
		531.007	r
		531.008	r
		531.009	r
		531.010	r
		531.011	r
		531.012	r
		531.013	r
		531.014	r
		531.015	r
		531.016	r
		531.017	r
		531.018	r
		531.019	r
		531.020	r
		531.021	r
		531.022	r
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